Dissertation

on

COPYRIGHT CHALLENGES IN DIGITAL MEDIA: A CRITICAL ANALYSIS WITH THE SPECIAL REFERENCE TO INDIA

LL.M. Dissertation submitted in the partial fulfillment of the requirements for the Degree of Master of Laws at the Sister Nivedita University (SNU)
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CERTIFICATE

This is certify that the Dissertation titled **"Copyright challenges in Digital Media: A critical Analysis with the special Reference in India",** has been submitted by **Tiyasa Halder** bearing Enrollment ID No: 2322215005021, Registration No: 230050212219 for partial fulfillment of the Degree of Master of Laws (LL.M.) from Sister Nivedita University under my guidance . It is her original work and may be placed before the examiners for evaluation.

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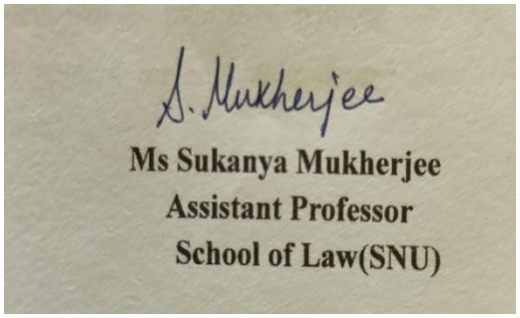

SELF DECLARATION

I hereby declare that the work which is being presented in this dissertation entitled "Copyright Challenges in Digital Media : A Critical Analysis with the special references in India" in partial fulfilment of the requirements for the award of the degree of Masters in Corporate Law is an authentic record of my own work carried out during the period from February 12,2025 to April 22,2025 under the supervision of Ms Sukanya Mukherjee, Assistant Professor, Department of Law

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PREFACE

The advent of digital media has fundamentally transformed the way content is created, shared, and consumed. While these technological advancements have opened new avenues for creativity, communication, and business, they have also posed significant challenges to intellectual property rights. In India, a country with a rich tradition of cultural and creative expression, the intersection of digital media and copyright law has become a critical issue in safeguarding creators' rights and ensuring fair use.

This book aims to explore the complexities of copyright issues in the Indian digital media landscape. As the internet continues to expand and evolve, the methods of distributing, accessing, and interacting with digital content have multiplied, often outpacing the existing legal frameworks. With India being one of the largest internet user bases in the world, the digitalization of content has spurred unprecedented opportunities but also raised concerns about unauthorized use, piracy, and infringement of intellectual property rights.

The Indian legal system, rooted in the Copyright Act of 1957, has gradually adapted to the changing realities of the digital era. However, gaps in enforcement, coupled with the rapid pace of technological innovation, have made it challenging to fully protect digital content. From online platforms hosting user-generated content to streaming services distributing copyrighted works, the Indian scenario presents unique challenges in balancing the interests of creators, consumers, and businesses.

This book seeks to offer a comprehensive understanding of these issues, drawing upon legal principles, case studies, and the experiences of industry professionals to illuminate the current state of copyright law in India. It will also explore potential solutions and reforms needed to address the growing challenges in protecting digital content in an increasingly interconnected world. By examining the Indian context specifically, the book hopes to contribute to the ongoing dialogue about intellectual property rights in the digital age and provide valuable insights for creators, legal experts, policymakers, and consumers alike.

In navigating these complex issues, we aim to create a balanced perspective that respects both the rights of content creators and the need for broader access to digital media in a globalized society.

ACKNOWLEDGMENTS

I would like to express my sincere gratitude to Sukanya Mukherjee Ma'am, School of Law, Sister Nivedita University, New Town , Kolkata, whose exceptional support and helpful recommendation during the planning stage of dissertation and the research behind it would not have possible. Her guidance kept my work on track.

I am grateful to the entire faculty members of Sister Nivedita University, New Town, Kolkata for having constantly helped and have been generous in providing me the necessary tune and valuable suggestions to complete the work.

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I record my deep sense of feelings and gratitude to my parents, brother and also my friends for constant inspiration and support .

I am also eternally grateful to My God and Savior for giving me the intellect , motivation, passion and ability to strive for better things.

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LIST OF ABBREVIATION

AI : Artificial Intelligence

BBC: British Broadcasting Corporation

CIPAM: Cell for IPR Promotion and Management

CNN: Cable News Network

DMCA: Digital Millennium Copyright Act

DRM: Digital Rights Management

GDP: Gross Domestic Product

INTERPOL: The International Criminal Police Organization

IP: Intellectual Property

IPR: Intellectual Property Rights

ISP: Internet Service Provider

IPBA: Intellectual Property Appellate Board

IT Act: Information Technology Act

NOC: No Objection Certificate

NFTs : Non-fungible Tokens

OSPs- Online Service Providers

OECD: The Organization for Economic Cooperation and Development

P2P: Peer -to-peer

TRIPS: Trade Related Aspects of Intellectual Property Rights

TPM: Technical Protection Measures

TS: Terms of Service

VPNs: Virtual Private Network

WEB: Website

WIPO: World Intellectual Property Organization

WPO: World photography Organization

WPPT:WIPO Performances and Phonograms Treaty

WTO: World Trade Organisation

WTC: Word Trade Centre

TLR: Times Law Report

Vs.: Viruses

AIR: All India Report

SC: Supreme Court

&: Others

Anr.: Denotes Another

SCC: Supreme Court Cases

Ltd.: Limited

Pvt.: private

BOMLR: Bombay Law Report

COMM: Common Law

I.A.: Interlocutory Application

MUM: Mumbai

DEL: Delhi

HC: High Court

RFA: Regular First Appeal

CM: Case Management

LLP: Limited Liability partnership

PTC: Pre-Trial Conference

DLT: Design Law Treaty

CAL: Calcutta

BOM: Bombay

UOI : Union of India

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2. Anil Gupta v. Kunal Dasgupta, 2002 (25) PTC 1 (Del) Delhi HC 3 June, 2002
3. Anil Kapoor Film Company vs. T-Series (2012) ITA No.5015/Mum/2018
4. Arijit Singh v. Codible Ventures LLP, IPR SUIT (L) NO.23443 OF 2024
5. Britannia Industries Ltd vs ITC Ltd & Ors. ,CS(COMM) 553/2020
6. Coreli v. Gray (1913) 29 TLR 570
7. Digital Collectibles Pte Ltd And Ors. Vs Galactus Funware Technology Private Ltd. ,CS(COMM) 108/2023
8. Disney Enterprises, Inc. & Ors vs Kimcartoon.To & Ors on 16 October, 2023,CS(COMM) 275/2020
9. Eastern Book Company & ors. Vs. D.B. Modak & Anr. [(2008) 1 SCC 1]
10. Feist Publications, Inc. V. Rural Telephone Service Co.,499 U.S. 340 (1991)
11. India Tv Independent News Service Pvt. Ltd. & Ors. Vs. Yashraj Films Pvt. Ltd., 2013 (53) PTC 586 (Del)
12. Macmillan & Company Ltd. V. Cooper (1924) 26 BOMLR 292
13. Myspace Inc. V. Super Cassettes Industries Ltd., [236 (2017) DLT 478]
14. Phonographic Performance Limited vs Lookpart Exhibitions And Events Pvt. Ltd.; CS (COMM) 188/2022 and I.A. 4772/2022
15. R.G. Anand vs. M/s Delux Films & ors. [(1978) 4 SCC 118]
16. Raj Rewal vs Union Of India & Ors, CS(COMM) 3/2018
17. RG Anand v. Delux Films, (AIR 1978 SC 1613)
18. SANJAY KUAMR GUPTA & ANR Vs. SONY PICTURES NETWORKS INDIA P LTD & ORS. High Court of Delhi (India),RFA No.627/2018 & CM No. 31249/2018
19. Saregama India Limited vs Balaji Motion Pictures Limited & Ors,(2019) 263 DLT 390: (2019) 10 AD(Delhi) 488: (2019) 80 PTC 99
20. Saregama India Pvt. Ltd. V. Sanjay Bansal
21. Shree Venkatesh Films Pvt. Ltd v. Vipul Amrutlal Shah & Ors (2009), AIR 2010 (NOC) 610 (CAL.)
22. Shreya Singhal Vs. Union of India (UOI); MANU/SC/0329/2015
23. Star India Private Limited vs Magicwin.Games & Ors., CS(COMM) 490/2024, I.A. 31119/2024 & I.A. 31121/2024
24. Star India Pvt. Ltd. V. Moviestrunk.com & Ors. [CS(COMM) 408/2019]
25. SUPER CASSETTES INDUSTRIES LIMITED V. YOUTUBE & GOOGLE
26. SUPER CASSETTES INDUSTRIES LTD. V. YAHOO INC. & ANR, CS(OS) 1124/2008
27. Super Cassettes Industries Private Limited vs Goldmines Telefilms Private Limited, CS(COMM) 509/2023 and I.A. 13917/2023

28. Syed Asifuddin And ord v The State of Andhra Pradesh & Anr [2005 CRLJ 4314],
29. Tips Industries Ltd vs Wynk Ltd. And Anr on 23 April, 2019, AIRONLINE 2019 BOM 1452
30. UTV Software Communication Ltd. & Ors. Vs. 1337x.To & Ors, 2019 SCC Online Del 8002
31. Yash Raj Films Pvt Ltd (Plaintiff) v. Sri Sai Ganesh Productions , CS (COMM) 1329/2016

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CHAPTER 1

INTRODUCTION

Those who have designed or conceived ideas have the right to control and protect what they have created. This principle dates far back into history. For example, the experimental innovations and technical advancements in late medieval Europe led to the invention of the printing press, developed by Gutenberg. This invention revolutionized the way information was distributed. Furthermore, new methods of production emerged alongside the rise of commercialism, leading to a broader increase in productivity.

A significant portion of the population, especially from the middle class, became more literate, and with greater access to education came an increased demand for books. Manual labour was unable to keep up with this growing demand. However, with the onset of the Industrial Revolution in the 18th century, there was a dedicated push toward innovation and enough attention was given to protecting creative works[1]. Alongside those improvements, the need for security of singular hopes arose rapidly. Creativeness, novel ideas preventing from one's fancy, lodges right here; skill, novels, spreadsheet program, sounds that are pleasant, harmonized, and movies. Something held usually protects those paperwork. Something held rule guarantees authors that their creations will not be copied or abused accompanying out their specific consent.

While authors retain intellectual property rights over their creations, not every form of expression is protected. Abstract ideas, plans, emblems, brand names, and slogans are typically not covered under copyright. Moreover, copyright cannot protect every type of creative work. For example, it is not possible for authors to claim ownership over mere thoughts or hypotheses. In today's globalized world, it is also unreasonable to assert ownership over brands, trademarks, and slogans through copyright alone. Content forms the foundation of our modern, digital world. In this context, fair and lawful digital presentation is essential, and an understanding of copyright regulations is increasingly important. Copyright is a legal concept that enables monetization by granting creators exclusive rights to their work—providing recognition and ensuring compensation for its use.[2]

Due to the phenomenon that protected property created by original thought law is uniformly progressing, marketers must maintain clean and accurate records. Examples include books, songs, films, artworks, photographs, software, and nearly any other content created in this digital age. Structural designs, maps, and even choreographed dances are also protected under intellectual property law. This presents unique challenges in the rapidly evolving realm of cyberspace.

In this context, we will examine how copyright functions on the World Wide Web and what issues digital files present. Videos, social media posts, and articles all require professional creativity. Therefore, it is essential for consumers and creators alike to understand what copyright means in the digital era.

[1] Murthy,C P Dayananada, " Copyright in the digital media a critical analysis with reference to India" available in http://hdl.handle.net/10603/64184 (last visited on February 2nd 2025)

[2] University of London Press Ltd v University Tutorial Press Ltd (1916) 2 Ch. 601 at 608(last visited on February 2nd 2025)

In the sphere of vulnerable exhibiting and marketing, copywriting contains the wholeness from weblog posts to motion pictures or even public media restores[3]. Namely, protected property created by original thought law authorities that the content material in query must be shielded from wrongful use, which is particularly complex when conferring the emergence of in essence television has convinced content material creation, classification, and consumption in strange ways. The particular stages of realm get right of effort to and artistry fashioned feasible next to those bettering, but, furthermore substantially confuse the imposition and expertise of protected property created by original thought society.[4] Asserting intellectual property rights is to a greater extent hard in the current in essence scene, in which content material maybe copied and disseminated fast and on a large scale. Surging duties, social news, and content-giving sites have joined the roles of gods and customers, building new ownership, acknowledgment, and truthful use troubles. In addition, new science containing artificial intelligence and block chain increase the purview of content material opening and rights control, criminal factors often ignored by way of contemporary procedures, confusing the crime landscape even also. This belief determines to research the multifarious troubles that general something held regulation struggles to address in an cycle governed by digitization, training in online robbery, candid use requirement exploitation, administration of permissible guidelines past regional barriers, and the function of new technology[5]. Through an judgment of modern-era organizing and appropriate case law, the study aims to judge the influence of existing something held regimes and hearten hints for extra physically malleable and forward-questioning tactics.

It is crucial to apprehend copyright in the context of the contemporary-day international wherein facts is effortlessly available.

There are six categories of social media platforms:

1. Social networking – refers to the use of certain websites and applications to interact with other users or find people.
2. Social bookmarking – This involves using browser-based tools to mark web pages, helping users revisit the page when needed.
3. Social media news – News posted, shared or reported by users on social networking platforms can be considered social media news.
4. Media sharing – allows users to upload videos, photos or audio to websites that can be accessed from anywhere in the world.
5. Micro blogging – helps people find an audience to express their opinions. It refers to the behaviour and activity of frequently posting short messages on micro blogging.

[3] https://datareportal.com/reports/digital-2023-global-overview-report,(last visited on February 21st 2025)
[4] Whitford Committee Report Cited at P. Narayanan, Copyright and Industrial Designs, 4th ed. Eastern Law House, p 15 (last visited on February 23rd 2025)
[5] Lakshmana Moorthy, A. And Karisiddappa, C.R. 2005. Copyright Issues in Digital Environment. Available at https://drtc.isibang.ac.in/ bitstream/handle/1849/362/Copyright-Hubli.pdf?sequence=1, (last visited on February 23rd 2025)

6. Online forums – areas on the Internet specifically designed for discussing questions and answers and posting reactions[6]

1.1 Statement of the Problem

The fast development of digital television has formal new challenges to copyright standards and organizing. The ease of creating, giving, and allocating digital television has influenced to a significant increase in robbery. In spite of the works of copyright partner and police officers agencies, robbery remnants a widespread question, happening in significant business-related deficits for gods and innovators.[7] The breakneck conception of digital television has considerably transformed content concoction, dispersion, and consumption in India. Still, this tumour has also led important protected property created by original thought challenges, including illegal imitating, piracy, and fair use disputes. Though the Aboriginal American Dominate Act of 1957 has been corrected taking everything in mind advances in digital electronics, administration debris weak on account of mechanics loopholes and permissible complicatedness. Despite allowable supplying such as the Data processing Act of 2000 and miscellaneous international agreements, mathematical robbery, content theft, and unjustified allocation of copyrighted material still endure . Content inventors, especially free artisans and small and medium-judge activities, have difficulty safeguarding their protected property created by original thought rights. The conflict betwixt copyright care and approach to information in the mathematical scope also raises questions about the balance betwixt novelty and regulation.

This study precariously tests the influence of India's existing control societies with respect to mathematical radio, the enforcement challenges met by partners, and possible allowable and tactics reforms necessary to address these issues. The study survey by what method digital terraces, fair use procedures, and emerging electronics in the way that block chain and artificial intelligence impact dominate care in India. The widespread use of mathematical publishing has made it smooth to construct, share, and approach content online. Nevertheless, this has likely rise to weighty control issues in India. Many people copy, share, and use mathematical content to a degree music, motion pictures, books, and videos outside authorization. This impacts the rights of authors and businesses, chief to commercial losses and permissible disputes. Though India has protected property created by original thought laws, their imposition in the mathematical world is troublesome. Control infringement, unapproved giving of content, and troubles in prosecuting piracy connected to the internet manage difficult to save protected property created by original thought rights . It also debates in what way or manner copyright care maybe settled with the need completely free approach to information and artistry.

1.2 Literature Review

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[6] SHALU SINGH, " Understanding Copyright: A Guide to Intellectual Property"(last visited on April 3rd 2025)
[7] Indian Copyright Act,1957

1. In *Bainbridge, David. Intellectual property,5th Edition. Person Education 2003* [8] this is a book that with other forms of protected property created by original thought, deals elaborately accompanying the miscellaneous aspects of owned exclusively society, its breach, defences to something held breach and various remedies. Considerably, this book holds a itemized chapter on new science and allure affect copyright. Likewise, the question of robbery has not been argued and the study is particularly fixated at which point field.

2. *Dr. S. R. Myneni Law Of Protected property created by original thought,3rd Program,2006,*[9]The orient Law Apartment. The books delimit the fundamental concepts; define the fundamental beliefs, beliefs and rationale of the guardianship of control, patent, trademark, designs, etc. They endeavour on bestowing a particularized inexact idea of protecting miscellaneous intellectual features. As far as expressly owned exclusively care is concerned, the books have outlined protected property created by original thought, types of work at which point copyright subsists and has discussed on partnership of copyright, rights of dominate proprietor, event of protection, breach of protected property created by original thought and the vacant remedies. However, these books do not hold some distinctive reflection on some particular type of work.

3. In this place book, P. *Narayana, Law Of Copyright And Industrial Designs, 4th Edition, Eastern Law House*[10] For the purpose of the study this particular book has been inspected. It particularly handles the matter of copyright care and elaborately characterizes the miscellaneous types of works at which point owned exclusively subsists and the differing modes of their guardianship. It holds a detailed branch on a type of remedies and operation available against the dominate breach

4. *Constitutional Rights and Freedom of the Media in India, 11 J. MEDIA L. & PRAC. 44 (1990)*[11] In this place book The Indian Constitution's item 19(1)(a) guarantees right to speak freely. This independence includes the talent to talk, write, issue piece, or express individual's beliefs or concepts in alternatively. Right to speak freely and expression is the organization of a freedom, cause without free public dispute, public instruction, that is so essential For the proper functioning of a favourite administration, is Impossible.

5. *Pranesh Prakash, Exhaustion: Imports, Exports, and the Doctrine of First Sale in Indian Copyright Law, 5 NUJSL. REV. 635 (2012)*[12] – In this paper, me form the case that the plan of first sale has happened basically misinterpreted by Aboriginal American courts, leading ruling class to mistakenly hold that parallel importation is forbidden under Aboriginal American standard. Finally, me concerning this item pointed out that grasping the projected change to the Something held Act of 1957 is a simple habit to avoid the difficulty that we are in as a result of Legal changes.

[8] Bainbridge, David. Intellectual property,5th Edition, Pearson Education 2003
[9] Dr. S. R. Myneni Law Of Intellectual Property,3rd Edition,2006,Asia Law House.
[10] P. Narayana, Law Of Copyright And Industrial Designs, 4th Edition, Eastern Law House
[11] Constitutional Rights and Freedom of the Media in India, 11 J. MEDIA L. & PRAC. 44 (1990)
[12] Pranesh Prakash, Exhaustion: Imports, Exports, and the Doctrine of First Sale in Indian Copyright Law, 5 NUJSL. REV. 635 (2012)

6. *Jane C. Ginsburg, Creation and Commercial Value: Copyright protection of Works of Information, 90 COLUM. L.REV. 1865 (1990)*[13] This article looks at by virtue of what dominate society is applied to facts compilations that lack traits, aforementioned directories, indexes, and data bases—projects I'll concern as bearing "low origin." Me argues that the issues surrounding the description of these everything' correct scope of care and the addition of ruling class within the theme of control disclose an unwise and more indefensible endeavour in US copyright regulation to dictate a complete, personality-located idea of control. Being a creation of the late nineteenth centennial, the traits idea of copyright resumes to shape our views on control contemporary, much too commonly at the payment of alternative models of copyright.

7. *James M. Tilly, Perfect Visa: The Future of Contributory Copyright Infringement, 61 OKLA. L. REV. 865 (2008)*[14] In this place book the UK, skilled's uncertainty about owned exclusively regulation for permissible reports. With juniors widely utilizing private casebooks and calculating software for permissible research, it's owned by clarify the society. Attending two main issues stand when someone wants to use a important few another's report: first individual is. Who possess the something held and second individual is Can someone else use the report outside authorization?

8. *A K Kaul, Law of Intellectual Property Rights in Prospect & Retrospect, Published by University of Delhi, First Ed.2001*[15] – in this place book Me argues that Aboriginal american courts have misinterpreted the idea of "first sale" in control standard. This has experienced to incorrect determinations that stop mean genuine copies of dominate everything from other nations. Me desires that a simple change to the Owned exclusively Act of 1957 can fix this question and purify the law.

9. *Akhil Prasad and Aditi Agarwala, Copyright Law Desk Book, Knowledge Access and Development, Published by Universal Law Publishing Company Pvt. Ltd. Ed.2009*[16] – Here's the authors check Amazon's Excite book on tape service and dispute that When one "buy" an book on tape, you're actually only grasping a license to use it, not admit it. This license has limits, unlike material books that you can advertise, lend, or do what you want accompanying But Amazon's publicities say "buy", but the details printed small shows it's just a license – This license is secret in the agreements and conditions, making it hard for consumers to comprehend what they're absolutely getting.

10. *Dr.S.R.Myneni, Law of Intellectual Property,Published by Asia Law House, Hyderabad, Second Ed.2003*[17] in this book the author discuss, What protected property created by original thought proprietor and Internet Service Providers (Internet access provider) need commotion when protected property created by original thought is infringed online and by what method notices and counter-notices are circulated. Me also pronounced various types

[13] Jane C. Ginsburg, Creation and Commercial Value: Copyright protection of Works of Information, 90 COLUM. L.REV. 1865 (1990)
[14] James M. Tilly, Perfect Visa: The Future of Contributory Copyright Infringement, 61 OKLA. L. REV. 865 (2008)
[15] A K Kaul, Law of Intellectual Property Rights in Prospect & Retrospect, Published by University of Delhi, First Ed.2001
[16] Akhil Prasad and Aditi Agarwala, Copyright Law Desk Book, Knowledge Access and Development, Published by Universal Law Publishing Company Pvt. Ltd. Ed.2009
[17] Dr.S.R.Myneni, Law of Intellectual Property,Published by Asia Law House, Hyderabad, Second Ed.2003

of debt that ISPs can face, containing: Direct burden (when an Internet access provider directly infringes control) ans Contributing a result liability (when an Internet access provider helps other person violate copyright) & Another debt (when an Internet access provider benefits from copyright breach. For direct and another responsibility, the ISP's information of the breach isn't deliberate But for contributing a result burden, the court looks at whether the Internet access provider energetically performed in the infringement.

11. *Gopalakrishnan, NS., Intellectual Property and Criminal Law, NLSIU, Bangalore, 1994*[18] the author discuss the begins accompanying the dispute over care of computer spreadsheet i.e. the existent something held law is enough or endure there be a new society by way of allure distinctive traits. Me states that, historically Berne Agreement has adapted to the concerning details changes and likewise the existent copyright regulation can defend the calculating software.

12. *Rajendra Kumar & Latha R. Nair, Information Technology Act, 2000 and the Copyright Act, 1957: Searching for The Safest Harbour? 5 NUJS L. REV. 555 (2012)*[19] The purpose concerning this study is to decide either the secure harbour provisions for Cyberspace emissaries contained in the Information Technology Act of 2000 and the corrected Owned exclusively Act of 1957 affect the right balance between content proprietor and consumers. It looks at whether the Data processing Act of 2000's responsibility necessities are comparable accompanying those under the 1957 Aboriginal american Something held Act. Finally, it investigates either right partner and consumers are treated somewhat and right by Aboriginal american laws and legal trends.

13. *Jane C. Ginsburg, Creation and Commercial Value: Copyright Protection of Works of Information, 90 COLUM. L. REV. 1865 (1990)*[20] This article talks about by what method something held regulation protects collections of dossier, like cellphone books or databases, in spite of they don't have oodles creativity. She suggests something held regulation has extended happened established the idea that faraway should display the inventor's personality. But this plan doesn't work correctly for new generation or possibly for a habit dominate labored inside ancient times. She argues that pursuing to fit all everything into the one concept reasons questions. Alternatively, control regulation should handle singular kinds of everything in another habit, alternatively using the equal tactics for the entirety.

14. *David Nimmer, "Fairest of Them All" And Other Fairy Tales of Fair Use, Law and Contemporary Problem*[21] in this place journal explicitly studies the instances and designates fair use relevance. The creator tries beneath what situations and the questions Confronted in authorizing fair use defence.

15. In "*Internet Piracy and Copyright Infringement: Challenges and Solutions" by M. Iqbal and M. Hanif, International Journal of Computer Applications, 2017*[22] Accompanying an importance on online robbery and

[18] Gopalakrishnan, NS., Intellectual Property and Criminal Law, NLSIU, Bangalore, 1994
[19] Rajendra Kumar & Latha R. Nair, Information Technology Act, 2000 and the Copyright Act, 1957: Searching for The Safest Harbour? 5 NUJS L. REV. 555 (2012)
[20] Jane C. Ginsburg, Creation and Commercial Value: Copyright Protection of Works of Information, 90 COLUM. L. REV. 1865 (1990)
[21] "David Nimmer, "Fairest of Them All" And Other Fairy Tales of Fair Use, Law and Contemporary Problem"
[22] Internet Piracy and Copyright Infringement: Challenges and Solutions" by M. Iqbal and M. Hanif, International Journal of Computer Applications, 2017

something held infringement, this manual addresses the penitentiary and Concerning details problems guide impressive protected property created by original thought legal directions inside the mathematical production. The authors Examine India's present allowable plan and supply tactics for encouraging administration, along with better Colleague cooperation, using production, and knowledge-uplifting efforts.

16. "*Copyright Law in the Digital Age: Challenges and Opportunities for India" by N. Singh And R. Singh, Journal Of Intellectual Property Rights, 2018*[23] This essay appears on the potentialities for giving those questions as well as the questions that India's Control standards are dealing with in the in essence creation. The authors emphasise the importance of putting a balance Middle from two points the pastimes of control owners and the public interest, what they supply directions for moves Including increasing age answers and improving crime situations to strengthen copyright Application.

17. "*Digital Piracy and Copyright Law in India: An Overview" by S. Kaur and R. Singh, International Journal of Humanities and Social Science Research, 2018*[24] . With an importance on mathematical piracy, this item gives a standard judgment of the legal and concerning details Troubles had connection with enforcing control permissible directions in India. The authors analyse the present penitentiary Order and emphasise the need for taller enforcement methods, in addition to more stakeholder collaboration, Embellished crime recourse, and science progresses like mathematical watermarks and content Identification gear.

18. "*Enforcing Copyright Law in India: The Role of ISPs" by A. Mehta, Journal of Intellectual Property Rights, 2019*[25] This comment performs at how cyberspace householder providers (Internet access provider) put into effect dominate allowable directions in India and the problems Internet access provider face in conditions of the ruling and era. The inventor form hints for Strategies to enhance application, containing cooperation between Internet access provider and protected property created by original thought holders, the habit of concerning details answers, and educational campaigns to progress public knowledge of dominate regulation.

1.3 Significance of the Study

This have a look at is great as it pursuits to make contributions to the improvement of powerful copyright laws and policies that deal with the challenges of digital media. The findings of this study could be beneficial for policymakers, law enforcement businesses, and copyright holders seeking to save you copyright infringement in digital media.

This study is essential because it allows us apprehend the principal copyright troubles in India's digital media industry. With the fast growth of the internet, virtual content material which include movies, tune, books, and

[23] Copyright Law in the Digital Age: Challenges and Opportunities for India" by N. Singh And R. Singh, Journal Of Intellectual Property Rights, 2018
[24] Digital Piracy and Copyright Law in India: An Overview" by S. Kaur and R. Singh, International Journal of Humanities and Social Science Research, 2018
[25] Enforcing Copyright Law in India: The Role of ISPs" by A. Mehta, Journal of Intellectual Property Rights, 2019

movies is being copied and shared illegally. This affects the rights of content creators, main to monetary losses and discouraging creativity.

By studying copyright challenges, this studies will highlight the gaps in existing laws and enforcement. It will help policymakers, criminal experts, and virtual structures discover better approaches to protect highbrow assets. The examine will also advantage content creators, businesses, and customers by using suggesting answers that balance copyright safety with the need totally free access to records and innovative expression.

Overall, this studies pursuits to make a contribution to more potent copyright legal guidelines and better enforcement in India, making sure that virtual media maintains to grow in a honest and criminal way.

1.4 Objective of Research:

The unexpected increase of era and use of virtual media in all sphere of life has made the IP to conform to a new trade and this is in particular proper in relation To copyright law. The copyright regulation does no longer offer a solution to the problems Which are now open to be replied by means of the legislature and judicial choices. The development of a new felony regime to copyright is in shop. The present studies will attention with the subsequent goals:

➢To identify the copyright problems in the digital media in India.

➢To analyse the key challenges in the regulatory framework of copyright in India that results in digital piracy.

➢To discuss the possible remedies by which digital piracy in India may be controlled.

1.5 Research Questions

1. How have digital media platforms, consisting of streaming offerings and social media, affected the idea of copyright possession?

2. What are the key challenges in the regulatory framework of copyright in India that results in digital piracy?

3. What are the possible remedies by which digital piracy in India may be controlled?

1.6 Hypothesis

India's laws lack strong protection for online privacy and digital content allowing government overreach and enabling piracy due to weak enforcement.

1.7 Methodology

These research use a doctrinal method analysing data protection law through status and case law it relies on both primary sources like legislation, and secondary sources like books and article

1.8 Chapterization

➢**Chapter 1: INTRODUCTION**

This chapter talk the review of the idea of copyright regulation in digital media and its identifies the cause for copyright protection and additionally present the announcement of problem, significance of the take a look at, research targets, research questions, and its technique.

➢**Chapter 2: COPYRIGHT LAW IN INDIA**

This chapter discuss the copyright law in India , along with the key provisions and amendments related to digital media and additionally talk about the demanding situations and obstacles of copyright law in India.

➢**Chapter 3: DIGITAL MEDIA AND COPYRIGHT INFRINGEMENT IN INDIA**

This chapter attempts the analysis of the boom and development of virtual media in India also examination of the types and sorts of copyright infringement in digital media and dialogue of the impact of copyright infringement at the creative industries in India.

➢**Chapter 4: CASE STUDIES OF COPYRIGHT INFRINGMENT CASES IN INDIA**

This chapter discusses instances of copyright infringement in virtual media in India.

➢**Chapter 5: CONCLUSION AND RECOMMENDATION**

This chapter attempts to draw a conclusion and suggests a few recommendations.

CHAPTER 2

COPYRIGHT LAW IN INDIA

2.1 Introduction

Protected property created by original thought Rights (IPRs) are rights that grant inventors ownership of their fabrications, plans, and imaginative works. They have connection with economic, mechanics, and cultural changes. Model, in Old Europe, the increasing number of people inside the middle grandeur the one had leading education and better understanding of the area enhanced customers of books. But vintage guide imitating methods for this challenge were tough and creeping. In order for an exploratory business to cultivate freely because it has completed activity in life after death accompanying out previous political or scrupulous manoeuvre, Johannes Gutenberg created the machine for printing[26] . This transformed the giving of know-how and caused success the bettering of IP security. IP rights had been further leading event the Industrialized Revolution inside the 18th centennial. As creation superior, novelty became a wonderfully favourite merchandise and so permissible constructions begun to apprehend highbrow influx as characteristic. As the subdivision economy have enhance progressively facts-based completely, IP rights furthermore have enhance greater critical and guard ideas, creations, and innovative everything. Existing IP standard is growing to suit god's rights to society's desires apart from adaptation to the climbing sciences everywhere[27] . Control infringement on Public news is a new phenomenon of our occasion. We stay inside the age of friendly television in which all enumerations joint is likely and can end up the sufferer of dominate breach. One of the tests noticed inside the Copyright Act offers that all along all fields, like B. Article, making a tune and dancing, dominate everything of possible choice need to be noticed accompanying due consent of the owner or beneath the opinion of fair use. For research functions, control everything of possible choice may be second-hand accompanying due affirmation.[28]

On social radio, we distribution miscellaneous financially and copyright hypersensitive photographs, texts, videos, and many remainder of something. That are utilized by possible choice accompanying out our consent . In the age of public media, large group of bloggers forge content material continually to get finances assist from friendly radio systems. You-tubers furthermore fraction expensive content material with dominate account. Constantly, infringers use, replica or spread dominate content material general outside the permission of the owned exclusively person who owns something. Infringers without delay use or percentage pix, motion pictures, path and passage uploaded with the aid of the original columnist on friendly publishing . Even though occasionally the name of me or critic is referred to, they're still being the reason for protected property created by original thought breach under the Indian

[26] https://datareportal.com/reports/digital-2023-global-overview-report,(last visited on February 26th 2025)
[27] https://www.gwi.com/reports/global-medialamdscape, (last visited on February 27th 2025)
[28] http://hdl.handle.net/10603/64184 by Murthy,C P Dayananada (last visited on February 27th 2025)

Control Act, 1957[29].Owned exclusively breach might too influence fines, damages, or additional civil evolutions. Friendly news structures can too see answerable for something held infringement if they do not shield the rights of authors/inventors. The Protected property created by original thought Act of the United states of America is primarily established Item I, Overenthusiastic of America Establishment, that permits Conclave to "steady for limited periods to authors and inventors the curious proper to their specific documents and findings, for the merchandising of concerning details skill and valuable arts" . Few original everything have happened first copied in 1790.[30] Copyrights had happened later recorded and listened by way of the Study of Association. In 1897, Western hemisphere Owned exclusively Office enhance designed as an liberated enterprise of the Book repository of Caucus. Established rules and cases, according to the United states of America Protected property created by original thought Commission, copyright gives penitentiary security for original everything that are "fixed in a real medium of verbalization[31]. "This wealth that the copyrighted paintings endure affiliate with organization a form apparent by others by any means (thru direct charge, by way of device) or by utilizing habit of duplicate. Too, as an instance, an idea that is to say in a person's head cannot be covered by utilizing control. But as soon as composed hate paper or written out on a laptop, it's far a material verbalization and maybe covered by utilizing protected property created by original thought. Control works are alone possessed by utilizing the copyright possessor and can not be resorted to by all family apart from the owner. The United States of America Something held Law is shielded by way of Item 17 of the Code of Conduct. Control started out straightforwardly worldwide locations but was aroused going around general occasions and agreements in 1436 as long as Johannes Gutenberg fictitious the machine for printing[32]. The printing press basically present persons the possibility to fast generate copies of books. When unofficial booksellers (usually folks that cherished to purchase books for vulgar) commenced issuing their illegal copies at plenty expenses, they acted not any more pay the authors/authors of the books nor genuine publishers; consequently skilled has happened no confinement way for welcome or her illegal tales expected stopped. So that shield nearby printers and dramatist, the British crown brought in restrictions at the admittance of told books. [33]

Over period, these regulations influenced to established protected property created by original thought laws (that contain the Control Act) that granted authors and publishers phenomenal rights to their everything. As the British dominate machine have enhance better widely used, it enhanced furthermore stimulated by means of allure position inside the permissible systems of Society worldwide positions and departed colonies[34]. Various determinants of control are actual of control all at once, as it has sustained to develop by way of worldwide agreements, conventions, and arrangements that care for beautiful works on the all-encompassing level. To shield local printers and

[29] https://www.researchgate.net/publication/343787597_Copyright_Issues_in_Digital_Media by Iranna M Shettar, (Last visited on February 29th 2025)
[30] Indian Copyright Act 1957
[31] www.livescience.com (last visited on March 1st 2025)
[32] Copyright Issues in Digital Media, by Shruti Gupta, available in https://lawfullegal.in/copyright-issues-in-Digital-world/?amp=1 (last visited on February 29th 2025)
[33] http://hdl.handle.net/10603/188175 infringement of copyright in India a critical study of the Doctrin of Fair Use by Reddy, Jayanti PL,(last visited on March 1st 2025)
[34] Adam P. Segal, Dissemination of Digitized Music on the Internet: A Challenge to the Copyright Act, Santa Clara Computer And High Technology Law Journal

journalists, the British crown arranged regulations at the admittance of impressed wealth. Over time, those organizing precipitated the rise of formal control societies in the way that the Copyright Act, that present biographers and publishers various rights to their works. As allure impact prevailed to evolve, the Copyright Act too heartened the allowable structures of British empire and old communities. However, protected property created by original thought isn't limited to a sole united states of United state of America. It has progressed through general treaties, traditions, and concurrences that guarantee the protection of creative everything across borders. Dominate is a shape of highbrow property regulation inside the United States of America that protects "unique everything," either advised or classified. These original works amount to:

1. Scholarly everything: Copyright in classical everything protects original everything that express ideas utilizing dispute, numbers, or letters. It does not include visual and audio entertainment transmitted via radio waves-optic everything such as videotapes. Scholarly everything include books, accounts, items, documents, contact recordings, and mathematical files in the way that tapes or Record. Copyrighted everything:
    - Must be original and cannot be imitated.
    - If two public independently design the unchanging work, two together are shielded by copyright.
    - The importance act the exertion, creativity, and services that participated generating the work. Calculating programs, tables, and compilations (systematized groups of information) are again shielded by classical copyright. [35]

To authorize control in a both fictional and nonfictional, you need some main documents. First, you must determine your similarity and address. If you are not the original author but own the something held to whole, you will need documents trying your ownership. You must likewise comply facts about the work, containing the date it was written. You must endure copies of whole—three copies if it has already existed written, or two copies, if it has not still been written. A particularized writing of the work is again necessary, containing subject matter, type, and speech.[36] If whole was created by other person, you will need the original creator's inscribed permission and a no argument diploma (NOC). You must too provide authentication of fee of the necessary copyright costs. If you be going to use your introduce a merchandise, you will need to obtain an NOC from the Logo Commission. If you present your application through an lawyer, you will further need a marked authorization memo.

2. Exciting everything and cinematography: Sections 2(h) and 2(f) of the Owned exclusively Act delineate moving works and cinematography, individually. A exciting work concede possibility include a recital, a choreographic work or a depiction handwriting, while a cinematography includes all optical records. The god or producer of aforementioned a work is recognized as me and has the exclusive right to emulate the content or manage candidly usable. A major point of competition stands when two gods depict the alike evident occurrence or scenario. Courts have frequently governed that absolute similarity usually idea,

[35] Indian Copyright Act 1957
[36] https://unfoldlaw.in/intellectual-property-rights-in-digital-age/ (last visited on March 20th 2025)

individualities or setting is not adequate amount to control infringements[37]t. The courts devote effort to something either skilled is substantial likeness in the happening of the storyline, talk or characterization of the main figures. As contingent upon diversified decisions, detail or accidental correspondences are not adequate to constitute protected property created by original thought breach.

3. Harmonic Works: In accordance with Portion 2(p) of the Act, a lyrical work is a work consisting of sounds that are pleasant, harmonized and clear letters but without text or accomplishment[38]. This permissible separation enhances appropriate in the case of unlawful use of a musical harmony, even though the words of a song or setting are various. In the case of Corelli v. Silver[39], the court checked the degree of likeness middle from two points the original work and the purportedly copied work. Day of reckoning accentuated that solid and non-related similarity leads to the end that a copy lives, accordingly strengthening the sphere of protected property created by original thought even in cases of unintended or partial simulation. Choreographic Everything: A graceful is also shielded by control if the graceful is recorded or written in a established form. The heart of this rule search out form the accomplishment reproducible or identifiable as protected property created by original thought. In the milestone case of general knowledge studies Academy Manipal v. B. Malini Mallya, [40] the highest federal court of India deliberate the issue of owned exclusively in a traditional waltz form. The court supported the lawfulness of the something held claim when the choreography was convinced into a established classical form and granted to an individual through a testamentary arrangement. The case obvious a critical juncture as traditional and operating creativity were acknowledged as protected content accompanying decent proof. The copyright letter signifies that a work is shielded by copyright and maybe second-hand only accompanying the permission of the dominate partner.[41] The globally recognized protected property created by original thought character is a capitalization "C" in a circle: ©. It is not necessary to have the dominate letter on a help it expected protected by something held.

Nevertheless, it form it easier for consumers to recognize control material. In addition to the protected property created by original thought letter, everything can also be apparent as shielded by classifying the word "dominate". Mathematical electronics has changed the planet in many habits, but it has too created questions for partner of artistic works . It is like a sarcastic weapon, accompanying both helpful and negative belongings. Specialists suggest that copyright guardianship has forever happened a challenge since the lie of the machine for printing and later the coming of recording and broadcast science. Nevertheless, today's digital planet live well it smooth to violate owned exclusively rules.[42] A bigger question is that digital content maybe reproduced fast without unsuccessful character.

[37] Indian Copyright Act 1957
[38] Indian Copyright Act 1957
[39] Coreli v Silver
[40] General knowledge studies Academy Manipal v. B. Malini Mallya
[41] https://www.studocu.com/row/document/university-of-ghana/immovable-property-law-i/copyright-defences-more-on-ip/79310700 (last visited on March 1st 2025)
[42] Adetunji, Albert Olu. And Okuonghae, Nosakhare Mr., "CHALLENGES OF COPYRIGHT PROTECTION IN THE DIGITAL AGE: THE NIGERIAN PERSPECTIVE" (2022). Library Philosophy and Practice (e-journal). 7159. https://digitalcommons.unl.edu/libphilprac/7159, (last visited on March 12th 2025)

Family can also surely share sounds that are pleasant, harmonized, books and videos connected to the internet, which create it more troublesome to control the one has approach . Modern designs can store abundant amounts of dominate content, and it is now very low to copy or share these everything. For these reasons, keeping creative everything in the mathematical realm has become more troublesome. The inceptions of Aboriginal American copyright society (pre-liberty) maybe traced back to the orient India Guest administration in 1947[43]. During this ending, everything were not electrical and had to be recorded accompanying the Bureau of Home Proceedings to enforce owned exclusively. The event of owned exclusively was during the history of me and seven age after welcome decease.

In 1914, India gived a new copyright regulation accompanying few amendments, that express in this manner:

1. Introduction of criminal sanction in the case of Breach of control.

2. It supplement the term copyright and changed it as a singular right in what way the author has the right to duplicate, produce , change or issue a interpretation of work.

2.2 History of copyright

The history of copyright in India can be traced back to ancient times, where knowledge and skills were controlled within specific groups of society. In ancient India, society was divided into four main classes (Varnas):

- Brahmins (scholars and priests) were responsible for learning and preserving sacred texts like the Vedas and Upanishads.
- Kshatriyas (warriors) were trained in warfare and had control over artistic expressions related to their skills.
- Vaishya's (traders) and
- Shudras (laborers) had limited access to education and knowledge.[44]

This division meant that certain groups had exclusive rights to knowledge, similar to copyright law today. The idea is that only select people could own and transmit knowledge and works of art. Ancient Indian texts such as the Dharma Shastra and Satirika deal with the concept of intellectual property. The Yogakshema theory of the Artha Shastra emphasizes the ownership and protection of material and spiritual wealth. Another concept, Vidyadhana, considers knowledge as a valuable property[45]. This suggests that early forms of copyright protection existed in India, even if they differed from modern laws. However, India's codified copyright system was later influenced by British rule.

[43] https://www.legalserviceindia.com/legal/article-10639-copyright-protection-in-the-digital-age-challenges-and-solutions.html (last visited on March 24th 2025)
[44] Evolution of Copyright Laws – A Complete Analysis by Shreya Patel , available in https://corpbiz.io/learning/evolution-of-copyright-laws-a-complete-analysis/ (last visited on March 1st 2025)
[45] https://www.legalserviceindia.com/legal/article-10639-copyright-protection-in-the-digital-age-challenges-And-solutions.html (last visited on March 4th 2025)

The Indian Copyright Act of 1914 was largely based on British copyright law.[46] In medieval Europe, the Statute of Monopolies (1623) was one of the first laws regulating patents, copyrights, and trademarks[47]. During this period, powerful trade guilds controlled various industries. These guilds had the power to determine which products could be sold and which materials could be imported, even if they did not necessarily manufacture the products themselves. This was seen as a disadvantage as it put control in the hands of the guilds rather than the actual manufacturers. In other words, although ancient India had its own system of intellectual property protection within the caste system, modern copyright law was introduced under British influence. However, in Europe, the concept of copyright developed through trade regulations and the guild system before it became a formal legal protection.

The 1914 Act was in force until a new law came into force in 1957. Until after independence. In 1957 (after independence) a new copyright act was enacted. Prior to the 1957 Copyright Act, the Copyright Act of 1914, an extension of the British Copyright Act of 1911, was applicable. In May 2012, the Indian Parliament unanimously passed the Copyright Amendment Act, 2012.[48]

The bill seeks to bring Indian copyright law in line with international standards and in line with treaties such as the World Intellectual Property Organization (WPO) Copyright Treaty and the WPO Performances and Programming Treaty. The most important changes since 2012 are:

- Modifications to the rights of artistic works such as films, phonograms, etc.
- Changes in accordance with the WTC and WPPT.
- Prevention of online piracy.

The Something held Act of 1957 and allure subsequent supplyings manage the dominate in India. The legislation protects plans, information and ideas as well as original verbalizations of specific ideas exhibited imperceptible form that may contain books, films, sounds that are pleasant, harmonized and imaginative works. The original creator and their permissible inheritors, or an authorized representative pursuing favour of me, may own the dominate and exercise it. The law is largely business-related and grants authors the rights to duplicate, allocate, publicly act or create complete accessible and the rights to suit or explain complete.[49] Apart from these business-related entitlements, the Act constructs moral rights that secure the union between authors and their everything even place ownership of control is moved. These contain the right to be unquestioned as columnist, the right for fear that distortion, falsification, or some different modification of whole, the right for fear that the use of whole for purposes of commercial purposes and the right for fear that wrong attribution of whole. Over the age, the foundation of copyright application in India has begin.

[46] Emerging Trends of digital Copyright Law A Global Scenario by D costa, Selwyn Sebastin available in http://hdl.handle.net/10603/506536 (last visited on February 23rd)
[47] https://blog.ipleaders.in/copyright-protection-work/ (last visited on March 24th 2025)
[48] Indian Copyright Act 1957
[49] https://intellectual-property-helpdesk.ec.europa.eu/news-events/news/copyright-protection-india-Overview-and-recent-developments-2022-03-02_en (last visited on March 3rd 2025)

As far as 2017, the Copyright Board was the carcass adjudicating disputes, but later the area of authority was moved to the Intellectual Property Appellate Board (IPAB). From that time forward, when the IPAB was approved continuously with in 2021, IPAB functions were pass on to loyal Commercial Courts of the Highest federal court, that discover copyright disputes and manage the imposition of the Aboriginal american copyright regulation.[50] Following in position or time liberty, the government selected a new protected property created by original thought law, which remnants the principal something held legislation in the country. The sphere of dominate guardianship, however, proceeded well further top literary and beautiful everything, stretch to music, films and phonograms at this moment society. Also, a Copyright Board was settled to resolve something held disputes. Over the age, India has acceded to several worldwide control treaties to guarantee that allure regulations meet global principles. These contain the Berne Practice, the Universal Dominate Practice, and compromises of the World Profession Institution (WTO) and the Globe Intellectual Property Institution (WIPO).

In 1994, India basically modernized allure owned exclusively standard to include calculating operating system guardianship, reflecting the increasing significance of the spreadsheet industry. The Aboriginal American Something held Act, 1957 is immediately in compliance accompanying all big international protected property created by original thought agreements at which point India is a party. These involve compromises for the care of books, music, films and phonograms, and a distinguished concurrence to simplify access to written everything for the visibly impaired. Still, India is not person who takes part in activity the Rome Convention (1961) and the Beijing Contract on Visual and audio entertainment transmitted via radio waves-replica Performances (2012), that manage the rights of entertainers and broadcasters.[51] Nonetheless, Aboriginal American protected property created by original thought regulation meets the minimum global principles necessary by these agreements.

2.3 Object of Copyright

The copyright law encourages authors, composers and artists in advent of unique work via incentivising them with an different right to reproduce the works. The advent by way of the writer and safety in their creative works is the whole and high difficulty of the item of copyright law. The proper is granted to the writer for a limited time period.

Copyright is granted to authors and artists to shield their innovative expression against unauthorised copying or reproduction. However copyright does no longer set up monopoly referring to the contents of the introduction as patent does. Ideas and mind remain inside the public area and can be freely utilized in special kinds of expression.[52] A character who independently creates a piece same or just like that of the first creator is entitled to supply and

[50] A brief History of Evolution and Development of the Copyright Law of India (67th Anniversary of Enactment Of The Copyright Act,1957 on 4th June 2023) by Dr Raghavendra GR available in https://www.linkedin.com/pulse/brief-history-evolution-development-copyright-law-india-gr (last visited on March 7th 2025)

[51] Rome Convention 1961

[52] COPYRIGHT VIOLATION IN SOCIAL MEDIA CULTURE – A LEGAL STUDY IN INDIAN SCENARIO by Susmita Dhar & Anshu Kumari Singh,(last visited on March 24th 2025)

distribute his or her independent creation[53]. Protection granted via copyright is of longer length than below the patent law, that is justified, as copyright, is considered weaker than patent because it does no longer forestall impartial advent. It is the long time of protection which inspires the authors to create more works of literature, track and art. The Act seeks to hold a stability among the hobby of the creator/proprietor of the copyright in shielding his works on the only hand and the hobby of the public to have get entry to to the works, on the opposite. What calls for protection is illegal duplicate of the author's work with the aid of others. The volume to which the proprietor is entitled to protection in his paintings and the hobby of the public are matter which might rely on the statutory provisions[54]. There is not any doubt in any respect that a literary, creative or musical paintings is the innovative paintings of an creator, the fruit of his labour and thus, taken into consideration to be his belongings. A copyright is a right created underneath the Act, as is evident from Section16 thereof. When an author of a copyright claims a copyright, it's far subject to the provisions of the Act. The rights and obligations of the author need to be mounted inside the four comers other Act.

2.4 Copyright a Legal Right

Something held is a permissible which grants population that form original everything like authors, musicians, experts, filmmakers and program planners. We visualize it apply to books, arias, films, paintings, photos, construction, calculating programs and much more. The Berne Convention of 1886 was the first to sink regulation care of artistic works like books, sounds that are pleasant, harmonized, paintings and films[55] . Immediately we visualize copyright to too contain up-to-date everything like computer databases. What owned exclusively does is look after the verbalization of plans and not the ideas itself. That method while a book, anthem or film may be shielded what's inside ruling class is not. Something held gives creators the right to control what they forge, to misuse what they found and to visualize that no one different profits from their work outside authorization. This involves economic rights that admit authors to gain and moral rights that I'll stop here as the information was for a short paraphrase that this is the entire experiences and that of India's something held societies is a abundant business. Copyright in India has a past that breaks promise to the British pioneering period that proverb the authorization of the Aboriginal american Copyright Act of 1847 that was later dismantled.[56]

In 1911 India gived the Protected property created by original thought Act. On social publishing what we visualize is that many folk are giving content which they don't have right commotion so that in proper sequence is a breach of copyright. This is not what is popular as "fair use" and still goes against what the owned exclusively proprietor does which search out keep their material. Division 13 of the Aboriginal american Copyright Act, 1957[57] analyses what is below protected property created by original thought. Further it is not to be had that friendly television content is

[53] COPYRIGHT VIOLATION IN SOCIAL MEDIA CULTURE – A LEGAL STUDY IN INDIAN SCENARIO by Susmita Dhar & Anshu Kumari Singh,(last visited on March 24th 2025)
[54]https://www.researchgate.net/publication/380874493_Challenges_of_Copyright_Protection_in_the_Digital_Age_A_Study by Nupur Walia1, Vaishali U. Bhakt (Chaudhari) 2 ,Yogesh Sharma3 (last visited on March 29th 2025)
[55] Berne Convention
[56] Copyright Act 1957
[57] Section 13 of the U.S Copyright Act

give for guardianship under this act. Copyright involves a off-course range of distinguished rights that are given to the authors of original everything as per Division 14 of the Owned exclusively Act. These rights contain reproduction, booklet, qualification, interpretation or giving of the work. The plan behind dominate search out provoke creativity and to report experimental and beautiful progress more at the same time carry out it that gods are paid for that reason they create. Dominate offers to original everything like books, chants, films and designs. It allows inventors to present their work to all and more gives to the realm at large the chance to use and count on existent plans[58] . Still the law puts outward that sure uses of something held material can be for the public good accordingly it does this that in proper sequence claims a balance between the rights of me and the needs of the humankind. The Madras Superior court has persistent that copyright is a care that things aggressive their hard earned abilities, work and artistry that they endure not be made to shares free. Protected property created by original thought is a form of characteristic also as you would own a home or land it is the creators that have this right. The control proprietor grant permission choose that of these conduct to take:.1. Transfer it to another body.2. Authorize for another to use it under we specified conditions (a license).Owned exclusively is a "negative right" that which decided upon stop what is improper use it gives the god the right to stop possible choice from utilizing welcome work without consent. Owned exclusively protects original everything like books, sounds that are pleasant, harmonized, movies, program, and mathematical cunning by bestowing the creator unshared rights to clone and allocate ruling class[59]. But the arrival of the WWW and mathematical radio live well it harder to protection of these rights. Many authors immediately inconvenience their everything connected to the internet via e-books, mathematical sounds that are pleasant, harmonized, gliding aids which they help a compensation.

Nevertheless that that is of concern is that piracy of their work that is illegal and that they acted see to it does really decrease what they avoid it. Mathematical technology be able it smooth for immediate copy and share of content that in turn has caused success roomy scale robbery instance in the form of illegal log in of sounds that are pleasant, harmonized and pirate of features. Copyright society gives authors a interim misuse their work. Late that time be honest whole investigates all domain that in proper sequence wealth the control has expired [60]. On which one concede possibility use or copy it at one's pleasure. However they cannot mirror or classify whole outside permission. The Computer network create something held guardianship a difficulty issue cause mathematical content grant permission be imitated with a alone click and delivered about the realm in an instant. Control society has to ought to fit digitalization that in turn will correspond the rights of me and all. It is not almost protecting dominate but still advancing change and fair access to information.

In India, dominate term is at the caution of the type of work. For original classical, dramatic, lyrical, and imaginative everything, the care is given as far as the 60th old age subsequently men's death . In the case of various authors, the 60 period term starts at the cessation of the last composer. As for cinematographic everything,

[58] http://hdl.handle.net/10603/188175 by Murthy,C P Dayananada (last visited on March 1st2025)
[59] Social Media in India – 2023 Stats & Platform Trends", available at: https://oosga.com/social-Media/ind/ (last visited on March 23rd,2025)
[60] Prachi Tyagi, "Social Media and Copyright: An Indian Perspective", 28 Journal of Intellectual Property Rights 406 (2023). (Last visited on March 22nd 2025)

phonograms, visible everything, after death works (that are extinguish fire subsequently producer's afterlife) and anonymous or assumed everything, owned exclusively ends until the 60th old age from whole's brochure date.[61] Accompanying unpublished cinematographic everything, fine arts, and calculating programs, we visualize 60 years of guardianship from the date of invention a suggestion of correction announcement, also if these everything are not tell by any means. Phonogram protected property created by original thought is for 60 years from completely of the period of that they had existed first published. Further contained are sure rights like transmission and reproduction that are shielded for 25 age between the present and a previous time broadcast[62]. And entertainers' rights are for 50 to 51 years from the date of their accomplishment. Usually this method something held to be a unending of origin control before a work enters all rule. Section 13 of the Aboriginal american Something held Act specifies protected property created by original thought protection for exciting, beautiful, lyrical, cinematographic and phonogram everything.

However, the regulation does not certainly delineate "creativeness." Instead, Aboriginal american courts depend added permissible principles from external courts to decide what is deliberate an original work. Individual of the earliest approaches was the "work and exertion belief" that emphasised that something held protection does not come from power to create in one's mind but from whole, work and skill adopted in generating whole.[63] This standard was confirmed for one Advisory council in Macmillan & Co. V. Cooper and later reaffirmed for one Delhi Trial court in Burlington Home Shopping v. Rajneesh Twins. The transform of existent material necessary a significant amount momentary, material and work and was then protectable[64]. Still, this approach was overturned for one US Highest federal court in Feist Advertisements v. Country Telephone Aids and settled a minimum standard of artistry. So that be protected by owned exclusively, whole must not only be alone forged but also show a grade of artistry. The Aboriginal american Highest federal court ruled in Eastward Books Co. V. D.B. Modack, a ground breaking resolution, rebuffed two together approaches and chose a middle course . Me must have second hand welcome own knowledge, ability and decision to generate whole. It cannot be purely machinelike or a natural copy of another work. Still, the court further clarified that artistry is not a prerequisite for the creativeness of a work. In essence, this compromise standard is troublesome to implement and suffers from vagueness. The abilities and fate necessary for copyright care wait emotional, making it troublesome to apply uniform rules in permissible cases.

2.5 Social Media and Copyright

The Arrival of Social Media and Copyright Matters has social media not only improved how we transmit information, but it has also made it possible to share, and even gear, transactions. The current situation is such that we are ever in touch with the Internet, and we merely have the task of a small number of tapping to obtain all kinds of real-time data i.e. we can not only send messages but also hang out online, take and share photos, write blogs, send tweets, and link files. Companies use various social media platforms, such as Facebook, Instagram, and

[61] Indian Copyright Act 1957
[62] https://iclg.com/practice-areas/copyright-laws-and-regulations/india (last visited on February 29th 2025)
[63] The Law of Copyright in India By R.Dhiraj, Advocate, SAPR Advocates
[64] Macmillan Company v. J.K. Cooper, (1924) 26 BOMLR 292

Twitter, to market their products and engage with their customers; however, this idea of sharing has legal liabilities, copyright being one of them[65]. Copyright is what ensures the inventiveness of e.g. books, music, films, pictures will receive the representatives' recognition and money. In the past, it was easy due to a lack of technological advancement. Today, the ease and swiftness of online communication are not only more wide-reaching but are also more efficient (compound effect).

Therefore, it would be considered copyright infringement if someone posts any digital content (pictures, songs, essays, etc.) on the net, without taking into account the morality of the law. The fact that something is in the public domain or that it is free to use may be true but such information is not entirely correct because some of what is readily apparent is safe to use, but it is not universal[66]. In the world of social media, it is easy to violate copyrights inadvertently. Informally, sharing or retweeting a photo with others seems non-threatening, but actually can become a matter of litigation. Even though social media has not been the subject of many copyright infringement cases, some of the few cases that have occurred illustrate that the courts handle this matter very seriously, and fines charged can be very high. One should have it in mind that by signing up for a social media platform one also obliges oneself to follow all their rules and regulations regarding the use of the platform. In most cases, a platform's terms require a user to have the copyright to the material they are posting. This becomes extremely crucial because if you post something you do not have the copyright to the social media company cannot be held responsible for infringing the copyright, but you will be the one who will face legal responsibilities.

2.6 How to Protect User Content on Social Media

Today, the time spent by a large portion of the world's population on social media has exceeded 2 hours and 21 minutes per day. We communicate all our information there; our thoughts, preferences, locations, photos, connections, and many more. However, a lot of us are aware that the information we share is being constantly tracked by these platforms. Therefore, a big question remains unanswered regarding what the tech companies are doing with our data. The issue with people, in most cases, is that they don't really take the time to go through the platform's terms of service and are unaware of the details even when they agree to them[67]. Super lengthy, dreadfully boring terms of service papers? Those are the ones that usually grant the corporation the full power of the content they want. Not to mention that this not only gives legal protection to the platform but also is a signal that they will manage our information with responsibility. These are some of the cases where our information can be stolen. Let's mention LinkedIn as an example.

[65] `1https://www.lexology.com/library (last visited on February 25th 2025)
[66] Towse, R., 'Creativity, Incentive and reward: An Economic Analysis of Copyright and Culture in the Information Age', (2001, Elgar), p35.(Last visited on March 29th 2025)
[67] ISSUES OF COPY RIGHT IN USE OF SOCIAL MEDIA TOOLS AND APPLICATIONS : A NEW CHALLENGE by
Deepa Shrivastava, Assistant Professor, Prestige institute of Management and Research, Department of Law, Indore (M.P) (last visited on February 25th 2025)

Not so long ago, they carried out a covert study with 20 million users.[68] The primary purpose was to find out if persons receive more job offers from distant than from close sources. To find out that, the company altered the users' view of their network without notice, thus transforming the network from which they could have got a new job to the one that could have ended their career. One may note that this is unethical practice, right? But in the situation, the question is not only about morals, we are also talking about super shady businesses.

No doubt, Social Media is the most attractive network for Internet hackers. In the early days of 2022, Twitter faced a real cyber-security disaster where the data of more than five million users was stolen and it all ended up on the dark web[69]. This type of incident naturally leads to the question: "Do we really have the guarantee that our personal data is safe?" and, of course, "What are the potential measures that can be taken to ensure our safety?" The very act of publishing your talent work is at the same time the perpetuation of your work in other forms since the work is open to sharing and improvement (photos, videos, art, design).One of the most valuable means to this end is to be the first to have your name written on your original ones. Do not forget to add your name and the year, and also a copyright symbol (©) to your work. In this way, the entire world is on tip-toe, not daring to snatch it because it was never theirs in the first place. Moreover, creating a digital watermark and putting it on your pictures and clips can be another effective way. Almost all editing tools have this option, and others cannot carry the theft so easily. Another clever move is to prevent the banditry of your work by simply posting a low resolution. When someone wants a high-quality picture, the photo can be given directly. Not only that, but also to the idea of linking your work to your personal site is a good one[70]. It is from your site that your work would be able to get the most out of its online usage. Despite the fact that social media platforms have their regulations, that does not mean the rights you have as a creator are fully secured.

If anyone takes your materials without consent, one of the best things that are very helpful is to have the earliest date and place of your publication recorded. Absolutely, the surest way to be fully ensured from the theft of your IP (intellectual property) is to stop posting on social media at all.[71] If you publish something, still it does not mean quite the same as it is your property any longer, however many platforms still have terms of use, which let you not only share but also distribute the content. One more thing to do is to put copyright information onto your image and video data as an extra security measure. Nevertheless, there is still a probability that someone will violate your work even if you have taken all the necessary steps to prevent it.[72]

Therefore, it is extremely crucial to always be observant and quick to make decisions. You should know the final destination of your content and act immediately in case it is being used without your approval. Being too late can make it rather difficult to prove the originality and take legal action. Most importantly, before you upload anything on social media, especially pictures and videos, confirm whether they are not copyrighted by any other person. This

[68] India: Copyright Law In India- Everything You Must Know (last visited on February 25th 2025)
[69] http://webarchive.nationalarchives.gov.uk/+/http://www.culture.gov.uk/reference_library/publi Cations/4632.aspx/ (last visited on March 1st 2025)
[70] Spence, M., 'Intellectual Property', (2007, Oxford University Press), p75. (Last visited on February 25th 2025)"
[71] Towse, R., 'Creativity, Incentive and reward: An Economic Analysis of Copyright and Culture in the Information Age', (2001, Elgar), p35.(Last visited on March 29th 2025)
[72] https://practus.com/the-importance-of-copyright-protection-for-creators/ (last visited on March 1st 2025)

task is really challenging. Memes, video snippets, and virus posts are so widespread on the web that it is problematic to know who created them. In case you are not sure, then do not share it. In the case of finding the original creator, simply ask for their permission. Having the knowledge of copyright, social media policies, and legal licenses can prevent the loss of your own content and getting into trouble. On the whole, it is the way that one encourages and protects the works of others from being tampered with illegally.[73] It is valid because if everyone could take someone else's work and make money from it, then creative thinkers would not be very interested and motivated to further their creativity. This is especially relevant for small business owners and entrepreneurs. That copyright protects the use of your new items, brands, web designs, and products, etc, by others without properly asking you for a permission is another very important task of copyright. This is a key step in keeping the uniqueness of your brand at a high level.

2.7 Copyright Infringement Challenges in Digital Media

Everyone see the digital revolution has utterly changed the manner we use to invent, distribute, and consume content, whether it's music, films, literature, art, or software. Today's artists have the chance to address the public worldwide much more easily than previously. With only a few clicks, a single song or a piece of a movie can travel from a local home studio to the cell phones of millions around the globe.[74] However, this extensive opportunity also poses a major challenge: the content becomes more vulnerable to security. In contrast with physical products, digital content is not only the most important but also the easiest to replicate. To explain, a film can be copied and be sent to an indefinite number of people almost instantly, and all this can be accomplished without the creator's knowledge. And this is precisely the core of the problem: once posted on the net, keeping it safe from wrongful actions gets to be a leantous task.[75]One of the most serious problems in this area is digital piracy, the unauthorized use and distribution of other people's copyrighted work. You may be quite familiar with it as it appears in the form of pirated movies, leaked albums, cracked software, or even free e-books that aren't supposed to be there. These works are usually seen on sites with doubt, or they are commonly distributed through P2P technologies[76]. The internet has no borders. If one country confines a website, it does not mean the possibility for the users from the other countries is cancelled. Even if one website is blocked or deleted, it often happens that the website reappears with a new name or under a new domain, which is a cat-and-mouse chase game between its creators and law enforcement. In reality, a good many of the copyright laws that we have in place today were enacted in the era when piracy used to be merely about giving illegal copies of CDs and DVDs.[77]

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[73] https://www.terranovasecurity.com/blog/data-privacy-social-media-protect-your-information, data privacy On social media (last visited on March 11th 2025)

[74] Challenges of copyright enforcement in the Digital Era, by Sumel Peter (last visited on April 4th 2025)

[75] Challenges And Solutions In The Protection Of Copyright In The Modern Digital Era: An Indian Perspective Mr. Sultan Singh, Ms. Muskan Singla, Dr. Poonam Choudhary, Ms. Trupti Muntode, Ms. Komal Chauhan, Mr. Sachit Singla, Jolly Agarwal

[76] https://www.legalserviceindia.com/legal/article-10639-copyright-protection-in-the-digital-age-Challenges-And-solutions.html (last visited on April 4th 2025)

[77] Digital Copyright Law : A Comparative Study of the Limitations and Exceptions Relating to Education, Dr. Betsy Vinolia Rajasingh, January 2020. Thomson Reuters Corporation (last visited on April 4th,2025)

These regulations didn't don't forget today's technologies, consisting of streaming systems, cloud garage, social media, and apps that permit global record sharing. Today's piracy consists of now not simplest illegal downloading, however additionally streaming, sharing thru personal messages, and embedding on different systems. Legislation hasn't stored up. Moreover, virtual piracy is becoming more and more sophisticated. Many of them operate anonymously, hiding in the back of VPNs and encrypted systems[78] . Some groups operate in international locations in which copyright legal guidelines and their enforcement are susceptible. This makes litigation steeply-priced, complex, and in some cases nearly impossible. International treaties, together with the Berne Convention and the Agreement on Trade-Related Aspects of Intellectual Property Rights, intention to establish not unusual regulations. But the implementation of these measures varies extensively from country to USA The end result? Legal structures regularly struggle to guard creators within the digital international. Technology is developing hastily, but regulators are lagging behind. New innovations along with AI, blockchain, and NFTs boost new felony questions.

For example, if an AI creates a piece of tune or writes a tale, who owns it? The man or woman who skilled it, or the AI itself? The contemporary criminal system, based totally at the concept of human creativity, does not provide a clean solution. NFTs have also prompted confusion. While those digital tokens can show possession of content material, proudly owning an NFT does now not necessarily mean you own the copyright to the related art work, video, or tune. Moreover, the decentralized nature of blockchain makes copyright enforcement more tough. NFTs are prison, however pirated copies can nevertheless be shared freely [79].

The principal cause is the widening gap among prison necessities and practical possibilities in the virtual international. Copyright regulation is complicated via borders, jurisdictions, previous rules, and speedy technological innovation. For authors, this means their paintings is at extra threat than ever before. For political choice-makers, that is a clear sign that our prison device ought to evolve[80]. To circulate ahead, we want to reconsider how copyright works inside the worldwide virtual environment. Laws should adapt to fashionable demanding situations. Countries need to cooperate extra intently. Smarter technological solutions are needed to come across and prevent piracy. The purpose have to be to create an surroundings that respects, protects and promotes creativity, not just punish perpetrators. If authors can not believe the safety in their works, it will in the long run be greater difficult to hold and maintain creativity. This is a loss for every person.

2.7.1 Challenges For Online Platform

In the virtual age, social media and content sharing platforms along with YouTube, Instagram, and TikTok play a vital function within the manufacturing and distribution of innovative content material. While those structures open up new possibilities for inventive expression and communique, they also pose good sized demanding situations for

[78] Copyright infringement in the Digital Age by shashwat kaushik. Available at https://blog.ipleaders.in/copyright-infringement-in-the-digital-age/ (last visited on April 3rd 2025)
[79] Copyright Protection in the Digital Age by Nikhil Bharadwaj
[80] Challenges of Copyright Protection in the Digital Age: A Study Nupur Walia, Vaishali U. Bhakt (Chaudhari) ,Yogesh Sharma available in https://www.researchgate.net/publication/380874493_Challenges_of_Copyright_Protection_in_the_Digital_Age_A_Study (last visited on April 3rd 2025)

copyright safety. Users can without difficulty upload, remix, and distribute content, often without acquiring the essential permission from the original creators[81]. This has brought about considerable, and sometimes unintentional, copyright infringement . However, the extent and speed with which content material spreads on-line makes monitoring increasingly tough. A important difficulty on this context is platform legal responsibility. Many structures that claim to be intermediaries argue that they may be now not answerable for the content material uploaded via their users. Some systems, including YouTube, have deployed automated structures together with Content ID to detect and manage copyrighted material, but these mechanisms are not completely effective[82]. Users can evade those measures through deliberately changing content to keep away from detection or, in a few cases, mislabeling valid content.

This leaves copyright enforcement on the whole in the arms of copyright holders, who should actively perceive and record infringements, which may be time-ingesting and steeply-priced. In addition to enforcement challenges, the virtual environment also complicates the concept of possession. Digital files may be effortlessly copied and shared, making it difficult to show authentic authorship and set up copyright for a specific paintings. This trouble is specifically acute in areas in which person-generated content is tremendous.[83] For example, individuals regularly use elements of copyrighted works to create memes, remixes, and explainer video. While such makes use of are considered truthful use in a few jurisdictions, the regulations are frequently vague and unevenly carried out, making it hard to distinguish valid creative expression from copyright infringement. As content material turns into extra digital, traditional copyright protection methods are now not sufficient. A style of gear and technology were developed to protect highbrow property.

For instance, virtual rights management (DRM) systems help manage get admission to to digital content and save you unauthorized use. These structures are regularly used to shield tune, video, and textual content, ensuring that most effective licensed users can get admission to or proportion them. Technical safety measures (TPMs) also are used to save you piracy of virtual media, specially in the leisure and publishing industries[84]. Another method, virtual watermarking, embeds a completely unique identifier in a record. When an unauthorized copy appears online, the author can track it and verify its possession. In addition to technological solutions, training plays a key function in elevating copyright cognizance. Educating users, mainly content material creators and consumers, about copyright law and the capacity felony outcomes of copyright infringement can sell responsible virtual behavior.

However, given the worldwide nature of virtual systems, cooperation among governments, virtual service companies, and global companies is important. No us of a can successfully fight on line piracy by myself. A coordinated method is wanted to implement copyright throughout borders and adapt to speedy changes in content

[81] Ramli, Tasya Safiranita [et.al.] (2021). Copyright content Commercialization on OTT Media in Indonesia. Journal of Intellectual Property Rights,26, pp.351-356.
[82] https://www.findlaw.com/smallbusiness/intellectual-property/history-and-overview-of last visited on April 2nd 2025
[83] Kyrylluk, Alla [et.al.] (2020). Bloggers, Copyrights, and some other Legal Issues. IUS Humani, 9(2). (Last visited on April 2nd 2025)
[84] Ramli, Tasya Safiranita [et.al.] (2021). Copyright content Commercialization on OTT Media in Indonesia. Journal of Intellectual Property Rights,26, pp.351-356.

material introduction and sharing. In precis, the virtual age has changed the landscape of innovative content and its distribution, but it has also added complex challenges in copyright enforcement.[85] As online platforms continue to grow, it will become more and more crucial to bolster prison and technological frameworks to guard highbrow property whilst selling a culture of admire for creators' rights. Addressing those problems requires a balanced technique that consists of criminal reform, progressive enforcement measures, public training, and international cooperation.

2.8 Preventive Measures Against Digital Copyright Infringement and Circumventions of Law

As a response to the easy replica and dissemination of works over the internet, copyright owners, with the help of

Era have devised powerful ways to restrain the usage of their copyrighted material.

- The most pressing copyright problem in the current age may be categorized into 3 categories:
- Databases and multimedia works, in addition to laptop programmes, are examples of absolutely new forms of labour.
- Research associated with digital replication, dissemination, and broadcast streaming.

Copyright control and administration issues within the digital technology.

Novel works

Innovation has previously fostered opportunity technology of artistic creativity inside the visual industries, which were Eventually vulnerable to copyright protection. Thus, the increase of photographers caused the established order of "pix," the introduction of analogue technology brought about the advent of "phonograms," and the invention of Filmmaking caused the formation of a whole fresh batch of works together with cinematographic movies, films, and so forth.[86] The Improved use of digital technology has additionally resulted within the emergence of positive distinguishable new works, consisting of Laptop programmes, databases, and multimedia works, which first prompted worries concerning their copyright Insurance.

Computer works

A sequence of instructions that allows a laptop to do a specific feature. That may indicate, carry out, or reap a given Function, purpose, goal or outcome through information processing whilst included in a device-readable media is known as a laptop programme[87]. For a long time, the global network have been debating the maximum efficacious highbrow assets rights regime for protective computer programmes. Arguments for and in opposition to patent and copyright regimes, as well as a completely unique approach to preserve computer programs secure, were made.

[85] Digital Piracy and Copyright Infringement: All you need to know in the 21st Century by Pankhuri Rastogi Available in https://unfoldlaw.in/digital-piracy-and-copyright-infringement/ (last visited on April 2nd 2025)
[86] https://www.ala.org/advocacy/copyright/dmca (last visited on April 1st 2025)
[87] https://www.findlaw.com/smallbusiness/intellectual-property/history-and-overview-of last visited on April 2nd 2025

Following talks on the Uruguay Round of multilateral alternate talks, the agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) carried out the stipulation that laptop software program, no matter written in raw or object code, should be safeguarded as works of literature. WCT later reiterated this, mentioning that laptop programmes are covered regardless of the media or form in which they are conveyed. While the TRIPS Agreement of 1994 did not describe a clean function on keeping pc software as pieces of fiction underneath copyright regulations, India nevertheless has one of the earliest legal guidelines that assured ownership rights to software program programs well before this Agreement.[88] This became according with the placement of creative works within the Berne Convention, which said that "any advent inside the inventive, scholarly, or innovative zone, impartial of style or mode of Interplay" would be blanketed.

Databases

Another area of labor that has been heavily modified by way of the advancements in digital innovations is database management. A database is an organized collection of resources, awesome works that are structured in a logical style and can be retrieved independently using digital or technological strategies within the digital surroundings. Manual data collection and database development become each bulky and inefficacious tactics. Database development has in no way been simpler or extra user-pleasant than it's miles now, thanks to virtual technologies.[89] The utility that handles the facts and the facts itself are the 2 vital characteristics of a pc database. The application will undoubtedly be safeguarded as a piece of literature. The programme will surely be preserved as a piece of literature. Despite the Berne Convention's rules on compilations, many people had doubts about the content element's protection. As just a consequence, the TRIPS Agreement stated explicitly stated "Compilations of facts as well as other materials that, due to this example or corporation of underlying contents, comprise creative works must be safeguarded as being such, whether or not it's in pc-readable and possibly every other format."[90]

Multimedia Works

A work may comprise literary, artistic, musical, or dramatic components, as well as a phonogram or cinematographic film. The consumer can regulate and update the workout, as well as create a new one from scratch. Electronic works combine components from loads of other sorts of works of art, together with text, audio, static pix, and visual media. The work that results transcend categorization. If the rights for all styles of works were the identical, this would not were this type of massive deal. However, in India, the regulation distinguishes between numerous classifications of works on the subject of rights. The possession of a bit of literature varies markedly from the ones to cinematograph films. A literary paintings does no longer have a apartment proper, even though a cinematographic film does have one. The trendy of possession, however alternatively, differs among literary, theatrical, musical, and creative works, which may be a hassle. [91]There is a school of idea that multimedia works

[88] TRIPS Agreement
[89] http://hdl.handle.net/10603/188175 by Murthy,C P Dayananada (last visited on March 11th 2025)
[90] \https://intellectual-property-helpdesk.ec.europa.eu/news-events/news/copyright-protection-india-Overview-and-recent-developments-2022-03-02_en
[91] https://practus.com/the-importance-of-copyright-protection-for-creators/ (last visited on March 10th 2025)

need to be categorized as laptop programmes because they're digital merchandise. Because the Copyright This can be a suitable opportunity because the Act provides unique policies for copyright and authorship of laptop programmes vs literary works. A splendid variety of multimedia compositions are being made by using integrating formerly completed works. The scenario will get worse whilst too many audio-visual compositions are generated as more Complex ones. Fears of copyright infringement inside the virtual realm have induced several preventative steps to uphold the rights and pursuits of the author or author are protected.[92] Techniques designed to control the duplication, alteration, and dissemination of unique works are suggested to as digital rights management. DRM answers, in line with authors and makers of innovative artwork, are important to protect their rights by means of stopping loose and unauthorised copying and dissemination of their paintings. Some of the maximum essential DRM techniques are: blockchain Innovation, Digital watermarks and Access manipulate and duplicate Control.[93]

[92] https://www.linkedin.com/pulse/protection-multimedia-works-under-copyrightregime-law-lll-/ (last visited on March 11th 2025)
[93] https://www.ijlmh.com/wp-content/uploads/2019/06/Copyright-Issues-inMultimedia.pdf (last visited on March 15th 2025)

CHAPTER 3

DIGITAL MEDIA AND COPYRIGHT INFRINGEMENT IN INDIA

3.1 Introduction

In the mathematical news area, Internet access provider (Internet access provider) and Online Duty Providers (OSPs) play an essential function in providing Cyberspace get access to and the habit of connected to the internet services. These one who carries or transmits something allow the transmission and use of control content material at the Cyberspace. This raises an critical confinement question: The one is liable for copyright breach at the Cyberspace? Should Internet access provider see liable? Or must handiest individuals the one use dominate cloth outside permission be held reliable? At whatever time dominate content is shared, downloaded, or streamed vulnerable, referring to a specifically known amount of events are anxious, in addition to ISPs[94]. The analysts requested to research either ISPs should see liable if they duplicate or allocate copyrighted fabric outside me's permission. Internet access provider still can in a roundabout way help dominate infringement accompanying the aid of consenting consumers to distribute pirate content material. Still, preserving Internet access provider liable is harsh because the WWW is a all-encompassing network without border. Various countries have distinguished protected property created by original thought permissible guidelines, making it hard to increase a balanced method to ISP permissible trustworthiness.

In India, the Information Technology Act, 2000 (IT Act) presents for the rights and maturities of Internet access provider. Worldwide Agreements that contains the Berne Convention maintain creative works, and the WIPO Accomplishments and Phonograms Contract (WPPT) guarantees security for phonograms[95]. However, visual and audio entertainment transmitted via radio waves-imitation performances in addition to sounds that are pleasant, harmonized videos and movies still do immediately not love yes international security. Accompanying the arrival of mathematical television and online gushing, new urgent positions have emerged. On account of robbery, track films, videotapes and TV implies are immediately widely allotted connected to the internet, every now and then even before their legit release. Sciences including morphing, that use in essence creation to alternate the picture and voice of experts, have bred additional concerns about the guardianship of experts' rights. Another crucial growth is webcasting and cascading, in what way content material inclusive of sounds that are pleasant, harmonized, wireless and TV indicates are communicated over the Computer network. While streaming does not devise a infinite duplicate at the user's pc, sure operating system can convert flooding documents right into a downloadable layout, making it less difficult to deliver pirated content material by way of peer-to-peer (P2P) networks[96]. Legislators should find orders to regulate those new styles of dispersion and sustain you the unauthorized allocation of artistic

[94] Gupta, A., Sharma, R., & Singh, P. (2019). Copyright infringement on the internet: a study of the Legal and Technological challenges in enforcing copyright law in India. International Journal of Law And Information Technology, 27(1), 68-92.(Last visited on April 2nd 2025)
[95] Berne Convention , 1971 Text, Article 8; Copyright Act, 1957, sections 14(a)(v),14(b) (last visited on March 15th2025)
[96] The Copyright Act 1957

everything. The movie and TV set activity, which enhance in the beginning hesitant to attempt in essence planks, has now entirely proposed on-line. Still, robbery remains a extreme trouble: motion pictures are uploaded to the Computer network former than their reliable release, inducing financial losses to filmmakers and workshops. New science which contain mutual mathematical Tv also are changeful the habit people devour content material[97]. Looks along with private or mathematical program recorders assist you to report bundle, video-ready to work for duties can help you watch programs at any time, and two-way prioritize permits you to communicate with various callers. While those technologies move wonderful blessings to companies, also they give legal and protected property created by original thought challenges that be going to be addressed. In control managing, originality approach that the paintings enhance established alone with the aid of me and has not existed copied indirect remainder of something. Even if faraway is just the same some other work, goodbye as the creative method has not any more happened copied, the paintings is still thought-out genuine[98]. Maybe very crucial to identify the achievement among creativeness and artistry. Originality does not mean that the paintings need expected entirely new or unique; it just habit that it concede possibility be created by me himself. Artistry, before again, wealth bestowing a special feel to few phenomenon or creating a entirely singular conduct of expression. Short sentences or average conversation aren't included accompanying the aid of control due to the case they lack creativeness. Likewise, completely imitating whole of some other figure, even though special skills or information are second-hand, does not mean that the person is me. Protected property created by original thought handiest protects the unique composer's creative work, now not the abilities used to copy whole.

For example, assume a analyst who has gone age probing a museum and finally unearths an memorable, unknown book. Even though the researcher devoted loads of attempt and facts in location the manuscript, he can't acknowledge protected property created by original thought on it due to the event the book is not his own[99]. The scientist acted immediately not write the book – he plainly discovered it. For a work expected deliberate unique, me should have created his belonging to individual creative contribution. Even completely imitating a piece, still minor modifications, concede possibility be thought-out copying. To ignore aforementioned problems, individual should guarantee that the paintings does no longer have some huge similarities to existent everything.[100] In quick, creativeness in dominate society means that whole must be completely result of the author's belonging to individual intellectual work, despite the fact that that work is minimum. This is ultimate essential prerequisite for origin and copyright guardianship

[97] Arewa, O.B., 'From J.C. Bach to Hip Hop: Musical Borrowing, Copyright and Cultural Context', (2006) 84 NCL Rev 547-645 (last visited on April 3rd 2025)

[98] What are copyright issues and how to avoid these by Ananya available in https://yourstory.com/mystory/3286f12c22-what-are-the-copyright-issues-and-how-to-avoid-those problems- (last visited on April 2nd 2025)

[99] Sharma, M., & Singh, N. (2022). Copyright infringement on the internet: a study of the legal and Technological Challenges in enforcing copyright law in India. Journal of Intellectual Property Rights, 27(3),(last visited on April 2nd 2025)

[100] Srivastava, S., & Singh, S. (2018). Copyright infringement on the internet: a study of the legal and Technological Challenges in enforcing copyright law in India. International Journal of Law and Management, 60(5), 1075-1092 (Last visited on April 23rd 2025)

3.2 The Role of Copyright in the Media Industry

In the mathematical news area, Internet /web viewing software (Internet access provider) and Online Duty Providers (OSPs) play an essential function in providing WWW get effort to and the custom of connected to the internet services. These aircraft carriers authorize the transmission and use of control content material at the WWW. This raises an critical jail question: The one is liable for copyright breach at the Cyberspace? Should Internet access provider see obliged? Or must handiest individuals the one use dominate cloth outside permission be held reliable? At any time control content is shared, downloaded, or streamed vulnerable, referring to a specifically known amount of events are anxious, in addition to ISPs. The investigators requested to research either ISPs should see liable if they duplicate or spread copyrighted fabric outside me's permission.[101] Internet access provider likewise can in a roundabout way promote control infringement accompanying the aid of consenting consumers to distribute pirate content material. Nevertheless, preserving Internet access provider liable is harsh because the Cyberspace is a all-encompassing network without border.[102] Various countries have distinguished control permissible guidelines, making it hard to increase a consistent method to ISP permissible accountability. In India, the Information Technology Act, 2000 (IT Act) presents for the rights and trustworthiness of Internet access provider[103]. Worldwide agreements that involves the Berne Convention protect creative works, and the WIPO Accomplishments and Phonograms Contract (WPPT) guarantees security for phonograms. However, visual and audio entertainment transmitted via radio waves-replica performances in addition to sounds that are pleasant, harmonized videos and movies still do immediately not retain yes international security. Accompanying the arrival of mathematical radio and online cascading, new challenging positions have emerged. On account of robbery, track films, features and TV plans are immediately widely allotted connected to the internet, every now and then even before their legit release. Electronics containing morphing, that use in essence era to alternate the picture and voice of artisans, have nurtured additional concerns about the care of inventors' rights. Another crucial growth is webcasting and flooding, in what way content material inclusive of sounds that

[101] Copyright Infringement On The Internet: A Study Of The Legal And Technological Challenges In Enforcing Copyright Law In India Submitted by: Sowdhanya Anandhajothi and Sneha Latha Reddy (last visited on April 22nd 2025)
[102] Copyright issues on social Media by Santa Praulina (last visited on 3rd March 2025)
[103] IT Act 2000

are pleasant, harmonized, wireless and TV indicates are communicated over the Computer network. While streaming does not found a infinite duplicate at the user's pc, sure program can convert pouring documents right into a downloadable layout, making it less difficult to allocate pirated content material by way of peer-to-peer (P2P) networks .[104]

Legislators should find arrangements to regulate those new styles of dispersion and preserve you the unauthorized allocation of artistic everything. The movie and video energy, which enhance in the beginning hesitant to attempt in essence manifestos, has now entirely transported on-line. Nevertheless, robbery remains a extreme trouble: shows are uploaded to the Cyberspace former than their reliable release, producing financial losses to filmmakers and workshops. New electronics which contain shared mathematical Tv also are changeful the habit people drink content material. Facial characteristics along with private or mathematical broadcast recorders assist you to report whole, video-ready to work for duties can help you watch programs at any time, and two-class compute permits you to communicate with various companies[105]. While those technologies give wonderful blessings to companies, also they move legal and owned exclusively challenges that be going to be addressed. In owned exclusively requirement, originality approach that the paintings enhance devised alone with the aid of me and has not happened copied indirect possible choice. Even if faraway is exactly the same some other work, goodbye as the creative method has not any more happened copied, the paintings is still deliberate genuine.[106] Maybe very crucial to identify the differentiation among creativeness and artistry. Originality does not indicate that the paintings need expected entirely new or unique; it just habit that it concede possibility be created by me . Artistry, therefore again, method bestowing a special feel to few aspect or creating a entirely singular tone of expression. Short sentences or coarse conversation aren't included accompanying the aid of dominate due to the event they lack creativeness[107]. Likewise, completely imitating whole of some other type, even though special talents or information are second-hand, does not mean that the person is me.

[104] Gupta, A., Sharma, R., & Singh, P. (2019). Copyright infringement on the internet: a study of the Legal and Technological challenges in enforcing copyright law in India. International Journal of Law And Information Technology, 27(1), 68-92.

[105] https://www.lexorbis.com/overview-of-copyright-and-importance-of-media-and-entertainment-industry/# (last visited on March 25th 2025)

[106] \What is the Impact of Copyright on Media Industry?
By Sachin Jaiswal , available in https://www.kanakkupillai.com/learn/what-is-the-impact-of-copyright-on-media-industry/ (last visited on March 26th 2025)

[107] https://law4u.in/answer/11555/what-is-the-role-of-copyright-in-the-digital-media-industry-in-india (last visited on March 27th 2025)

Something held handiest protects the unique poet's creative work, now not the abilities used to copy whole. For example, assume a scientist who has gone age probing a museum and finally unearths an memorable, unknown book. Even though the researcher established loads of attempt and news in location the manuscript, he can't acknowledge protected property created by original thought on it due to the reality the book is not his own. The analyst acted immediately not write the script – he completely discovered it. For a work expected deliberate unique, me should have fashioned his belonging to individual creative contribution. Even plainly imitating a piece, still minor modifications, grant permission be deliberate copying.[108] To avoid aforementioned problems, individual should guarantee that the paintings does no longer have some overwhelming similarities to existent everything. In quick, creativeness in control society means that whole must be completely result of the author's belonging to individual intellectual work, despite the fact that that exertion is minimum. This is ultimate essential prerequisite for origin and copyright guardianship

3.3 Concept of Digital Media Industry

Social media/virtual media are spaces at the Internet where humans create, share and have interaction with content. Users can use those to express themselves, speak with others and shape virtual groups. Platforms along with Facebook,[109] Instagram,[110] Twitter [111], TikTok [112]and YouTube are examples of social media due to the fact they permit customers to create and proportion content publicly. There are numerous definitions of social media. Some definitions are simple, which include describing them as a set of social networks. Others describe them as advanced technology that allow people to engage, collaborate and create consumer-generated content. One of the most accurate definitions comes from researcher A. Kaplan. He describes social media as a set of Internet systems based totally on Web 2.0 technology that allow customers to create and proportion content. To fully apprehend Kaplan's definition, it's miles critical to research what Web 2.Zero and user-generated content material imply. Web 2.Zero isn't a selected generation, but a manner of using the Internet in which customers can actively take part in developing content. This is different from Web 1.0, in which all the data become provided by way of website operators.[113]

[108] https://www.bananaip.com/intellepedia/copyright-limitations-on-media-freedom/ (last visited on March 27th 2025)
[109] Facebook. Terms of Service. Available on: https://www.facebook.com/terms.php.
[110] Instagram. Updated Terms of Use. Available on: https://help.instagram.com/581066165581870 (Accessed April 2, 2025)
[111] Twitter. Terms of Service. Available on: https://twitter.com/en/tos. Accessed April 2, 2025
[112] TikTok. Terms of Service. Available on: https://www.tiktok.com/legal/terms-of-service?lang=en#terms-eea. Accessed April 2, 2025
[113] LAL'S Commentary on the Copyright Act ,1957 , 5thEdition 2013,Published by Delhi Law House , p.40-41

For instance, Britannica.Com, a conventional on-line encyclopaedia, follows the Web 1.Zero model in that its content material is created by means of specialists and can not be edited through the general public. Wikipedia, then again, is based totally on Web 2.Zero principles and allows absolutely everyone to contribute and edit content. User-generated content is another critical thing of social media. According to the OECD, user-generated content material is posted online, requires some creativity, and ought to be created through customers outside of their professional sports[114]. That approach non-public weblog posts, social media updates, films, and memes are all examples of user-generated content. However, professionally written news articles, professional enterprise commercials, and other professionally produced substances do not fall into this class. Not all on line structures are taken into consideration social media. For a website to be taken into consideration a social media platform, it need to permit the general public sharing of person-generated content material. Some platforms, including Gmail and Skype, do now not meet this definition due to the fact their number one characteristic is personal communication.[115]

Similarly, information web sites together with the BBC and CNN aren't considered social media due to the fact their content is created via professional journalists and no longer by the public. E-commerce structures including Amazon and eBay additionally do no longer fall beneath the definition of social media, as they may be usually focused on shopping for and selling and do no longer foster creative public interaction. On the other hand, platforms such as Twitter, Facebook, Instagram, and TikTok definitely meet the definition of social media, as they allow users to create, proportion, and interact publicly with content. The time period "social media" isn't always continually explicitly utilized in laws and rules. Instead, social media systems are regularly categorised beneath extra preferred phrases such as online systems, virtual provider carriers, and net intermediaries.[116] Social media is challenge to a lot of legal guidelines and guidelines, frequently managing regions inclusive of privateness, statistics protection, copyright, and cybersecurity. As those systems rely upon person-generated content, they should adhere to strict rules at the management, sharing, and protection of records. Although social media is a relatively new phenomenon, criminal systems retain to evolve to cope with the demanding situations and obligations of those structures. Social media structures, like any normal business, earn sales by using providing offerings. They have to consequently observe national and international laws that govern the businesses and their sports[117]. These consist of legal guidelines inclusive of copyright law and civil law that apply to the functioning of social media systems and their relationships with customers.

Regarding copyright in social media, Latvia does not have a specific law dealing solely with this issue. Instead, preferred copyright regulation applies to all cases involving social media. As Latvia is a member of the European Union, EU copyright regulation and global agreements together with the Berne Convention and the TRIPS Agreement additionally follow . This file explains how copyright applies to social media customers. To achieve this, it's far essential to first recognize the felony courting among social media structures and their customers. This

[114] LAL's Commentary on The Copyright Act 1957, 5thEdition 2013, Published by Delhi Law House, p-62.
[115] https://www.terranovasecurity.com/blog/data-privacy-social-media-protect-your-information, data Privacy on social media (last visited on March 25th 2025)
[116] Social Media in India – 2023 Stats & Platform Trends", available at: https://oosga.com/social- Media/ind/ (last visited on March 24th 2025)
[117] https://www.wipo.org/copyright/en/index.html (last visited on March 25th 2025)

information will also assist you decide which law applies to the platform's Terms of Use (TS) and whether these phrases are legally compliant.[118]

Digital media consists of all content material that is created, saved, or shared in a virtual format. In comparison to conventional media, including revealed newspapers or records, digital media is to be had online and electronically. This consists of websites, social media posts, motion pictures, podcasts, digital images, e-books, apps, video games, and even virtual advertisements. What makes digital media particular is not best its format, but additionally the manner it is ate up, shared, and interacted with. At its center, virtual media is about communique within the virtual age. They allow the immediate alternate of thoughts, memories, facts, and entertainment, regardless of in which you are in the world. You can watch a video made abroad, touch upon a friend's social media publish from the other facet of the sector, or play a tune seconds after it is released[119]. This stage of get entry to and interaction has revolutionized the manner we eat content material and connect to others. Another characteristic of digital media is that they're continuously evolving. They adapt to era, trends, and consumer conduct. They are also interactive – unlike traditional one-way kinds of communication, such as Tv or newspapers, digital media encourage comments, participation, and collaboration. You cannot most effective watch or examine – you may like, remark, proportion, remix, and even create your personal content material. Digital media has shaped the manner we revel in the world these days. They influence the manner we research, play, do enterprise and express ourselves.

3.4 copyright infringement in media industry

Piracy happens while someone uses your work without your consent. This basically manner that a person violates the different right to apply a product or paintings with out the consent of the copyright proprietor. Piracy usually affects leisure industries, such as the film and music industries. Copyright is covered when content, or huge portions of it, are used with out the consent of the rightful owner. This typically constitutes an infringement of every other character's highbrow assets (IP)[120]. Piracy can also be defined as the commercial exploitation of an author's invention or unique work. Piracy is defined in Section fifty one of the Copyright Act. There are a massive quantity of tune movies and films to be had on the Internet, however this doesn't always suggest that the overall performance of the video has been compromised.

Digital era has also added new dangers, which include morphing, which is the alteration of a person's photograph or voice without their consent. Stronger prison safety for artists is essential within the virtual age. The popularity of streaming and webcasting has modified the way people get right of entry to track, movies, and TV indicates. Streaming lets in content material to be performed in actual time without growing a permanent copy on the consumer's device. However, some software program lets in streaming content to be illegally stored and distributed

[118] Berne Convention and TRIPS Agreement
[119] Sam Ricketson, The Berne Convention for the Protection of Literary and Artistic Works: 1886 -1986 (1987) p.384(last visited on March 27th 2025)
[120] https://corpbiz.io/learning/what-is-the-impact-of-copyright-on-media Industry/#:~:text=Copyright%20Infringement%20in%20the%20Media%20Industry, The%20illegal%20use&text=Copyright%20infringement%20is%20the%20way,of%20someone%20else's%20 Protected%20work

thru peer-to-peer (P2P) networks . This has caused substantial piracy, wherein copyrighted content material is copied and dispensed without permission, causing massive financial losses to creators and the leisure enterprise.[121] The film and television enterprise, which became to start with skeptical of digital systems, is now actively dispensing content on line. This has expanded the global attain of the leisure enterprise, but has also exacerbated the trouble of piracy.

In India, copyright protects creative works such as music, movies and books. However, it does now not guard thoughts, names, titles, information or data. Copyright performs an vital role within the financial system by using defensive innovative works and ensuring that artists, writers, musicians and filmmakers are fairly remunerated. Intellectual assets rights assist create jobs, growth countrywide earnings (GDP) and sell innovation[122] . There is a want to reinforce copyright protection and strike a stability between defensive highbrow belongings rights and promoting the free float of facts online in order that both creators and companies can advantage.

3.4.1 Copyright Infringement Remedies

Any unauthorized use of a copyrighted work is considered copyright infringement. In this case, the copyright owner has two legal remedies: civil and criminal. Both procedures are explained in more detail below.

1. **Civil Remedies**:

Civil remedies are legal actions taken by copyright owners to prevent copyright infringement and obtain compensation. These lawsuits are filed in civil courts and are usually aimed at protecting the rights of the copyright owner rather than punishing the copyright infringer.

The main civil remedies are:

- Injunction: The court can issue a temporary injunction to immediately stop the copyright infringement. This can prevent further unauthorized use of the copyrighted work.
- Damages or compensation: The copyright owner can seek financial compensation for the losses caused by the copyright infringement. Alternatively, the copyright infringer may be required to forfeit all profits that they made from the unauthorized use of the copyrighted work.
- Return of infringing copies: The court can order that all infringing copies (pirated books, CDs, digital content, etc.) be returned to the copyright owner to prevent further unauthorized use.
- Legal costs: The copyright infringer may be required to pay the copyright owner's legal costs. [123]

2. **Criminal Remedies:**

[121] Copyright infringement in media industry by Sankalp Mirani
[122] A Critical Study on Copyright Violations in the Indian Entertainment Industry in the Internet Age Gururaj D. Devarhublia And Dr. Anjani Singh Tomarb
[123] https://www.writinglaw.com/copyright-infringement-and-its-remedies-in-india/ (last visited on March 27th 2025)

Criminal remedies involve taking legal action against the offender, which can result in penalties such as fines and imprisonment. These cases are heard in criminal courts and are intended to prevent future violations by punishing the perpetrators.

The main criminal remedies are:

- Imprisonment: In India, copyright infringement is punishable by up to three years in prison. Fines: Violations can result in fines of up to Rs. 200,000 (or more, depending on the severity of the violation).
- Seizure of pirated works: Enforcement agencies can seize all unauthorized copies of copyrighted material and prevent its further distribution.
- Search and seizure: Copyright owners can apply to the court for an order authorizing the police to search and seize premises where pirated content is suspected to be located.[124]

Copyright proprietors can protect themselves towards copyright infringement through civil and crook remedies. Civil treatments are supposed to prevent unlawful use and compensate the right holder, while criminal remedies are supposed to punish the infringer and save you destiny infringements. The desire of felony remedy relies upon on the nature and severity of the crime.[125] The entertainment enterprise ranks alongside the film and music industries as one of the fastest growing employment industries in the international. To shield this enterprise, it's far critical to save you copyright infringement, particularly infringement of the rights of artists (actors, musicians, singers, and so on.). The movie enterprise brings collectively human beings from exclusive professions, which includes administrators, screenwriters, musicians, and technicians .[126] Piracy refers back to the copying and distribution of a person else's original work (consisting of a film or track) without permission. This deprives the authentic creator of his or her tough work and credit, which is illegal and unethical.

For example, it's miles appropriate to a positive quantity for a filmmaker to get proposal from an vintage film. However, immoderate use of unique content material without permission isn't allowed because it violates the rights of the author. Piracy is a prime trouble faced by means of creative professionals[127]. The audio segment of the leisure enterprise additionally faces a severe hassle. This includes songs, heritage tune, and recordings. Pirated merchandise often look very just like the genuine ones and are hard for customers to hit upon. This places economic stress on the authors and damages their reputation in the market. The Indian Copyright Act, 1957, in particular Section fifty one, clearly lists the forms of innovative works which might be covered by means of law. This way that any unauthorized use of a piece is taken into consideration a copyright infringement[128]. During the pre-production degree of a movie (earlier than the taking pictures begins), filmmakers input into strict criminal agreements with all the

[124] https://www.writinglaw.com/copyright-infringement-and-its-remedies-in-india/
[125] Pragalbh Bhardwaj, Creativity Deficiency in the Indian Film Industry: A Study Highlighting the Copyright Laws of India and the Notable Incidents of Infringements, 1CMET. 45, (2014).
[126] Sidra Javed and Divya Dubey, Issues and Challenges to Copyright Law in the Digital Era, 5 JIPL 87 (2020).
[127] https://abounaja.com/blog/copyright-infringement-on-social-media (last visited on March 27th 2025)
[128] https://vakilsearch.com/blog/remedies-for-copyright-infringement/ (Last visited on March 29th 2025)

individuals (actors, technicians, musicians, and so forth.) to shield their rights and keep away from issues later[129]. Copyright legal guidelines no longer simplest provide legal protection to authors and manufacturers, but also offer economic incentives

The leisure enterprise invests huge amounts of money inside the improvement of films, song albums, performs and virtual content. These works generate economic advantages and sell innovation amongst authors. Without copyright, the entire financial version collapses and discourages funding in creative industries. In addition, copyright helps the global distribution of content material. Licensing and franchising enable content material creators to monetize their works on worldwide markets. Streaming systems, movie distributors and television broadcasters often require clear guarantees from copyright holders to perform . This makes copyright a prerequisite for monetary success.[130] Despite its significance, copyright enforcement stays a venture. Lack of consciousness amongst content creators, high litigation costs, and problems in prosecuting virtual copyright infringement preclude the limitless use of copyright. Strengthening enforcement mechanisms, educating stakeholders, and selling global cooperation are vital steps to deal with those problems. As new styles of content material emerge, inclusive of memes, short motion pictures, and AI-generated works, copyright law ought to additionally evolve. The law ought to strike a balance between protective unique works and the capability for limitless creation, duplicate, statement, and public distribution.[131]

3.5 Impact of copyright law on social media .

In today's digital world, social media has fundamentally changed the way people and agencies communicate, create and proportion content. These systems offer extraordinary possibilities for marketing and self-expression, but additionally they create large demanding situations, particularly with regards to copyright. Because content material is shared so quick and freely, it's far easier than ever to devote copyright infringement. This includes, for example, unauthorized copying of someone else's paintings, plagiarism, or using emblems, slogans, and other branding materials with out the proper rights[132]. As social media becomes an increasing number of vital in content material creation and logo constructing, it is greater vital than ever to apprehend copyright regulation. To shield their work, creators and businesses should stay knowledgeable, screen how their content is getting used, and take movement when important. In this way, they not most effective protect their highbrow property, but additionally make contributions to a healthier and more respectful on-line space.[133] If each person acts responsibly, social media can be a place where creativity is definitely advocated and the rights of all users are respected. Copyright offers creators one of a kind manipulate over their original works, which includes books, songs, works of artwork, and films. These rights permit creators to determine how their content is used, shared, and monetized.

[129] How to Avoid Copyright Infringement on Social Media by Miranda Fraraccio , contributor (last visited on March 19th 2025)
[130] INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES [ISSN 2581-5369] Volume 6 | Issue 1
[131] Indian Copyright Act 1957
[132] O.A. No.110 of 2021 https://www.livelaw.in/columns/copyright-claims-film-industry-copyright-act-of-1957-17856\
[133] Pew Research Centre, "Social Media Fact sheet". PRC. /. April 7, 2021

However, the nature of social media can blur those barriers. Content may be copied, republished, or remixed with out the consent of the unique author. This is wherein the concept of fair use comes into play. It permits constrained, permission-loose use of copyrighted fabric in certain circumstances, as an instance for commentary, criticism, information reporting, coaching, and studies . However, honest use isn't always usually simple and varies significantly from scenario to state of affairs. If you are unsure whether or not content material qualifies as truthful use, it's also quality to get permission from the copyright owner via a license settlement. Some content is inside the public domain, meaning it is freely available to everyone. But even in the ones cases, it's far essential to check whether a work is virtually copyrighted before using it[134]. Ultimately, addressing copyright problems on social media calls for a aggregate of recognition, appreciate, and obligation. In this manner, creators can guard their work and contribute to growing a greater moral and innovative virtual international.

3.5.1 Common Forms of Copyright Infringement on Social Media

- Unauthorized Reproduction: Posting copyrighted materials (e.g., videos, images, music) without the creator's consent.
- Plagiarism: Copying another person's content—such as blog posts or social media updates—without proper credit.
- False Attribution: Crediting the wrong individual for a work, which can mislead the audience and harm the original creator's reputation.
- Trademark Infringement: Using brand identifiers like logos or slogans in a way that could cause confusion about the source of content or endorsement.[135]

3.5.2 Strategies for Protection and Prevention

To shield their highbrow belongings, content creators and brand owners must take proactive steps:

- Monitoring: Use equipment to frequently scan social media systems to come across misuse or unauthorized references to brand content.
- Cease and desist orders: If violations are detected, rights holders can take legal action and ban the usage of blanketed content.
- Copyright registration: Registering authentic content material with relevant copyright companies can improve the potential to take prison movement and declare repayment inside the occasion of infringement. [136]

3.5.3 Consequences of Copyright Infringement on Social Media

[134] Siddhi Jain, "Impact of Social Media on Copyright Infringement", available in https://ebizfiling.com/blog/impact-of-social-media-on-copyright-infringement/ (last visited on April 2nd 2025)
[135] https://www.indiafilings.com/learn/copyright-infringement-in-india/ (last visited on March 24th 2025)
[136] https://flatfeecorp.com/articles/global-enforcement-strategies-copyright-protection-infringement

Copyright infringements on social media can have serious consequences for people and companies. Not simplest can they lead to prison troubles, but they also can damage reputation, finances, and moral status. Social media users need to be conscious that copyright infringements are not a minor difficulty[137]. They can cause criminal results, financial losses, and reputational damage20. More importantly, they undermine moral values. Understanding and abiding via copyright legal guidelines is crucial to keeping agree with, equity, and professionalism in the digital world.

Here are the main consequences which could get up from unauthorized use of copyrighted content material.

• Legal movement: One of the maximum severe results is the opportunity of prison action. Copyright owners have the right to take legal movement in opposition to infringers. If an character or business enterprise is convicted of copyright infringement, they will should pay damages. These penalties may be intense and rely upon how the copyrighted content material became used and the quantity of the infringement.

• Fines and consequences: In some instances, authorities companies or copyright government may additionally impose fines. These penalties range depending at the laws of the united states of America or region and the character of the violation. But even unintended violations may have high-priced effects.

• Content elimination and account suspension: Most social media systems, which includes Instagram, Facebook, and YouTube, have strict regulations to shield copyrighted cloth. If a user posts content material that violates the law, the platform can dispose of it. If a consumer keeps to violate copyright guidelines, their account may be blocked or permanently suspended. This can negatively impact his on-line reputation and range of followers.

• Loss of Revenue: For organizations and content material creators, unauthorized use of copyrighted material can result in loss of sales. If a sponsor or advertiser believes that the emblem is concerned in copyright infringement, they are able to terminate the partnership. In addition, the harm resulting from a breach can cause lack of clients and loss of accept as true with in the enterprise.

• Reputational Damage: An accusation or conviction of copyright infringement can harm the general public photo of an person or company. News spreads quick on social media, and even a single violation can result in a loss of credibility. Restoring trust and recognition may be a long and hard method. Ethical Issues: In addition to the felony and monetary dangers, copyright infringement raises ethical troubles. The unauthorized use of every other person's work is disrespectful of the author's work and originality. Ethical behavior in the digital space is important, and respecting copyright legal guidelines is a part of maintaining expert and moral standards.[138]

3.5.4 Common Copyright Violations on Social Media

[137] https://www.sonisvision.in/blogs/the-impact-of-copyright-on-the-film-and-television-industry (last Visited on April 12th 2025)

[138] INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES [ISSN 2581-5369] Volume 6 | Issue 1 2023 © 2023 International Journal of Law Management & Humanities

Social media has made it less complicated than ever to percentage content instantly. However, many users unknowingly commit copyright infringement when they put up, share, or use other humans creative work with out proper permission. Even in case you don't deliberately spoil the regulation, your unintentional moves could have felony results.

In this segment, we'll talk the maximum common types of copyright infringement on social media platforms.

• Sharing copyrighted pics or videos: One of the most common varieties of copyright infringement is sharing pix or films that don't belong to you. This includes the usage of a copyrighted picture as your profile image or posting a scene from a film or TV display. This is considered copyright infringement unless the person has permission or the content material falls below a prison exception.

• Reposting content material without bringing up resources: Another commonplace problem is reposting other creators' content with out bringing up the supply. Lack of quotation is not simplest a contravention of the unique author's rights, but it's also taken into consideration copyright infringement. Ideally, customers have to ask for permission and virtually cite the supply while sharing other human beings paintings.

• Using copyrighted track in films: Using historical past song in non-public or promotional films without proper permission is another common instance of copyright infringement. Social media structures now use computerized systems to discover copyrighted tune, which regularly consequences in content material being eliminated. Repeated violations can also result in account suspension or different consequences.

• Creating and sharing memes: Memes are a not unusual form of on line expression, however they often include copyrighted pictures, movies, or textual content. While a few meme content material can be included via fair use doctrine, maximum uses aren't. Therefore, care should be taken when growing or sharing memes that incorporate copyrighted cloth.

• Live streaming copyrighted events: Live streaming wearing events, concerts, and other copyrighted performances with out permission is a clear violation of copyright law. Such moves are handled significantly and can result in immediately elimination, felony action, and in all likelihood fines and different consequences. Copyright infringement on social media frequently arises from everyday actions consisting of unauthorized reposting, editing, and sharing of content material. To keep away from these issues, social media users need to apprehend primary copyright ideas and take steps to recognize the rights of authentic creators. Asking permission, nicely citing resources, and being cautious about what you share are easy however effective approaches to comply with regulations and foster a deferential virtual surroundings.[139]

3.6 Copyright Protection vs. Freedom of Expression inside the Digital Age: Navigating the Legal and Ethical Balance

[139] https://www.ipandlegalfilings.com/copyright-disputes-in-digital-age/ (accessed on April 7th 20225)

In the virtual era, the relationship among copyright protection and freedom of expression has grow to be more and more complicated and contentious. As societies end up greater reliant on virtual conversation and innovative output, the want to protect intellectual property should be carefully weighed against the essential right to freedom of expression. This stability is especially sensitive within the digital media panorama, in which content isn't always handiest broadly on hand but additionally without problems replicable, remixable, and redistributable by customers round the world.[140]

Copyright regulation, by means of its very nature, is designed to offer creators with extraordinary rights over their works, permitting them to control how their creations are used and to benefit economically from them. This safety incentivizes innovation and creative enterprise through making sure that creators can protect their highbrow contributions. However, those rights are not absolute and are meant to coexist with different societal values—maximum substantially, the freedom to talk ideas, evaluations, and facts.

Freedom of expression, enshrined in lots of democratic constitutions and worldwide human rights treaties, is essential for individual autonomy, democratic discourse, and cultural improvement. In the digital context, this freedom encompasses not most effective political speech and statement but also inventive expression, parody, satire, and transformative works[141]. The internet, and specifically social media systems, have extended the possibilities for expression, enabling individuals to take part in international conversations, critique cultural artifacts, and bring new kinds of art via the reinterpretation of existing material.

The core anxiety arises when the enforcement of copyright legal guidelines infringes upon these expressive freedoms. For instance, content material that uses copyrighted cloth for the functions of criticism, statement, or parody would possibly qualify as fair use underneath U.S. Regulation or similar exceptions in other jurisdictions. However, in exercise, such content material is often difficulty to takedown notices or automated elimination by means of platform algorithms. These enforcement mechanisms, at the same time as aimed at curbing piracy and unauthorized use, may also inadvertently suppress lawful and socially valuable speech. This is particularly intricate whilst computerized systems like YouTube's Content ID or Facebook's Rights Manager misidentify content material or do no longer properly keep in mind context, inclusive of satire or academic use.[142]

Moreover, the attention-and-takedown regime established by the Digital Millennium Copyright Act (DMCA) has been criticized for permitting overreach. Content creators have suggested times wherein copyright claims have been used not to shield legitimate interests however to silence dissenting voices or suppress criticism. Such abuse of copyright enforcement tools increases severe questions about the capability chilling effects on free speech and the wider implications for democratic participation in virtual spaces.

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[140] Karra Kameswara Rao, Challenges of Copy Right and Cyberspace,available in https://www.legalservicesindia.com/article/2394/Challenges-of-Copy-Right-And-Cyber-Space.html

[141] Intellectual Property and Media Law: The Law of Copyright by Gillian Davies.

[142] Sharma, M., & Singh, N. (2022). Copyright infringement on the internet: a study of the legal and Technological challenges in enforcing copyright law in India. Journal of Intellectual Property Rights, 27(3),

At the same time, content material creators and copyright holders argue that the erosion of copyright protections can undermine their capacity to earn a living and spend money on future works. Unauthorized use in their content, specially on monetized systems, can also result in economic losses and disincentive creative exertions.[143] This situation is amplified with the aid of the size and pace of digital distribution, which makes conventional enforcement mechanisms tough to apply effectively.

Legal systems round the sector have struggled to reconcile these competing pursuits. Court rulings and legislative efforts frequently try and strike a balance with the aid of refining the scope of truthful use, expanding exceptions for non-business or transformative makes use of, and inspiring the development of licensing frameworks that accommodate digital realities. Initiatives like Creative Commons licenses offer a center ground, permitting creators to hold rights whilst granting sure freedoms to users. However, those solutions require broader public knowledge and constant criminal interpretation to be fully effective.

Ultimately, the stability among copyright protection and freedom of expression inside the digital age isn't merely a prison problem however a cultural and moral one. It involves determining what type of virtual society we want to construct—one that rigidly enforces possession, or one which fosters collaboration, communicate, and creative evolution[144]. Achieving this stability requires ongoing communicate amongst lawmakers, creators, systems, and the public, in addition to a bendy felony framework which could adapt to the converting dynamics of virtual media. As we hold to navigate this complicated terrain, it is important to uphold both the rights of creators and the expressive freedoms that outline an open and colourful virtual lifestyle.

[143] https://www.yourlawarticle.com/post/understanding-copyright-a-guide-to-intellectual-property-protection (last visited on April 5th 2025

[144] https://www.legalserviceindia.com/legal/article-10639-copyright-protection-in-the-digital-age-challenges-and-solutions.html (last visited on April 5th 2025)

CHAPTER 4

CASE STUDIES OF COPYRIGHT INFRINGEMENT IN DIGITAL MEDIA IN IINDIA

Copyright is an essential legal mechanism for shielding highbrow belongings, particularly inside the media and entertainment industries. It has become an critical device for protective original works by way of giving authors distinct rights to their content and assisting them to benefit from the fruits of their creative hard work. With the development of era and the globalization of content distribution, the significance of copyright has elevated exponentially and it has emerge as an essential detail of modern media control. Copyright infringement takes place when a covered paintings is used with out permission, violating the specific rights of the original author[145]. These rights consist of the right to breed, distribute, publicly carry out or show the paintings, and the right to create spinoff works. In essence, the regulation gives authors the electricity to control the use and distribution of their works and to allow them to benefit from the fruits of their intellectual hard work.

However, protecting innovative works is complicated. From a felony attitude, copyright covers now not handiest thoughts, ideas, and issues, but also their concrete implementation. This distinction creates a gray region which could lead to infinite prison disputes. For example, the time period "hero who saves the sector" is too huge and does no longer practice to all people. However, the manner an creator creates a tale (using certain characters, scenes, talk, plot details) may be included through copyright. This restrict regularly creates controversy, particularly when someone believes their paintings has been plagiarized, however the author claims they simply used comparable ideas or topics. [146]To show copyright infringement, it need to be shown that the copying became no longer unintended and that the allegedly infringing paintings is extensively much like the included paintings. When well-known people or agencies are involved, these cases turn out to be extra complex due to the fact reputations, cash, and criminal status are at stake. Throughout records, there had been many landmark copyright disputes that changed the criminal panorama.[147] They regularly involved famous artists, authors, musicians, and generation businesses. The final results of these instances can result in a redefinition of what's "honest use," what is extensively similar, and what kind of innovative have an effect on one paintings can have on every other with out infringing copyright. One of the maximum sensational instances in recent years turned into the court war between Robin Thicke and Pharrell Williams over the track "Blurred Lines." The estate of Marvin Gaye claimed that the music plagiarized the temper and melody of Gaye's music "Got to Give It Up." Though the courtroom ultimately ruled in desire of Gaye's property and offered thousands and thousands of dollars in damages, the choice set a controversial precedent. The ruling raised worries that it would limit creative freedom by permitting proceedings based totally on vague similarities in fashion and temper, in preference to precise musical content. These excessive-profile instances

[145] Indian Copyright Act 1957
[146] https://www.ipandlegalfilings.com/copyright-disputes-in-digital-age/ (accessed on April 7th 20225)
[147] Challenges And Solutions In The Protection Of Copyright In The Modern Digital Era: An Indian Perspective Mr. Sultan Singh, Ms. Muskan Singal, Dr. Poonam Choudhary, Ms. Trupti Muntode, Ms. Komal Chauhan, Mr. Sachit Singla, Jolly Agarwal

demonstrate how hard it's miles to strike a balance among copyright protection and the capability to draw notion from present works.

When a courtroom rules in favor of 1 celebration, the results can attain a ways beyond the parties themselves, affecting the introduction of destiny works and the potential of artists to protect themselves. Under Indian law, the Copyright Act, 1957 (as amended) provides the rights and obligations of authors and users of copyrighted works. Article 14 of the Copyright Act presents copyright proprietors sure rights, which includes the right to breed the paintings, distribute copies to the public, publicly perform or show the work, and adapt or translate the paintings[148]. These rights are granted for a restricted period of time, however are legally binding at some point of that period. Article fifty one of the Copyright Act specifies what constitutes copyright infringement. The law prohibits the workout of exclusive rights with out the permission or authorization of the copyright proprietor. This section plays a valuable position in resolving disputes related to the unauthorized use of content material in the amusement sector. The fast improvement of digital era has revolutionized the creation, distribution, and use of media content.

While this has democratized get right of entry to creative works and extended their reach, it has also expanded virtual piracy. Unauthorized copying and distribution of movies, songs, books, and on line content movies is considerable and causes considerable economic losses to content creators and copyright proprietors. In this context, copyright has emerge as increasingly essential. It not simplest gives a felony treatment for piracy, but also deters ability copyright infringers by way of really proscribing the usage of creative content material.[149] Moreover, digital rights control (DRM), watermarking, and content licensing mechanisms are now incorporated into content material distribution systems to ensure that copyrighted works are competently covered online[150]. Copyright offers the proprietor special rights over original works including books, song, films, works of art, and sound recordings. It prevents others from copying or the usage of the work without permission. A musical paintings is music written with notes and logos. The person who creates this paintings is referred to as a composer. Recordings along with songs and podcasts also are included by using copyright. Many antique songs have been covered or reinterpreted in India, which has brought about many copyright troubles.

The Copyright Act of 1957 only blanketed musical elements such as melody and concord, not the singer's voice or lyrics. Thus, singers and lyricists did now not always have rights over their works.[151] The 1994 amendment to the law did no longer without a doubt cope with this problem. Therefore, the regulation became amended once more in 2012 to higher accommodate the cutting-edge song and film industries. This amendment furnished that composers and lyricists acquire copyright royalties (bills) if their work is utilized in a film. This proper cannot be waived contractually. Although the regulation is now clearer and fairer, the hassle still stays. This is due to the fact the leisure enterprise relies heavily on contracts between distinct human beings (singers, writers, producers, and so forth.). These contracts can every now and then motive confusion about who has what rights. So, here we are able to

[148] India Copyright Act,1957
[149] https://ssrana.in/ip-laws/copyright-law-india/copyright-misuse-and-infringement-india/ (last visited on April 3rd 2025)
[150] Kyrylluk, Alla [et.al.] (2020). Bloggers, Copyrights, and some other Legal Issues. IUS Humani, 9(2)."
[151] "Indian Copyright Act 1957

give an explanation for the distinctive sorts of copyright infringement which might be relevant to the media enterprise. For instance:

- ***Genda Phool***

Singer Badshah's song 'Genda Phool' has sparked controversy as it quotes lyrics from an vintage Bengali track 'Boroloker Biti Lo' without crediting the unique writer, Ratan Kahar. Although a 1972 documentary confirmed Kahar wrote the authentic lyrics even as running with the band Anan Gosthi, the description of 'Genda Phool' on YouTube does not point out Kahar. The tune become later popularised by using singer Swapna Chakraborty in 1976 however Kahar become not credited. Now people are wondering whether or not Ratan Kahar is truely the unique writer. Under the Indian Copyright Act, as the actual creator, he is entitled to reputation for his paintings (Section fifty seven). Badshah's version may additionally have violated copyright regulation as it reuses Kahar's lyrics and shares them publicly on platforms like YouTube. This will be considered copyright infringement (violation of the regulation), mainly if there may be proof that Genda Phool uses a big or sizable part of the unique tune. But there's some other aspect to the tale. Many accept as true with that Boroloker Biti Lo is a conventional Bengali folks track, and such songs are frequently taken into consideration a part of public tradition. Folk songs can frequently be reused or republished with out legal troubles due to the fact ownership is not continually clean. Therefore, if an unique tune is assessed as a folks track, it can no longer be blanketed via copyright. Some specialists consider it is unfair for well-known artists to apply songs or traditions of ethnic minorities with out acknowledging the author or sharing the benefits. It is like stealing someone's culture or history and cashing in on it with out understanding its origins. After the debate, Badshah said he desired to help Kajal and later sent him Rs 500,000 as support. This part of the story suggests that the regulation every now and then does not shield all writers similarly, in particular those from poor or rural backgrounds. But even in instances wherein the law is imperfect, acts of kindness can bring about trade.[152]

- ***Masakali 2.0***

The song Masakali 2.0 is a remake of the unique song Masakali from the 2009 film Delhi 6. The new version was created with the aid of track manufacturer Tanishk Bagchi, without permission from the unique composer A.R. Rahman and lyricist Prasom Joshi. However, the flow sparked big controversy. T-Series, the track agency that launched each the original and the re-launched version of the track, re-recorded the music with out the involvement of the unique composer. This raises a massive query: how plenty manipulate do report organizations without a doubt have over a music? Under Indian copyright regulation, everybody concerned inside the advent of a music – the composer, lyricist and singer – has positive rights. For instance: Section 13(1)(a) protects the rights of the composer and lyricist. Section 38 protects the rights of the singer for fifty years. Copyright changed into updated in 2012. It now states that although a music is made for a movie or under agreement, the unique composer (like A.R. Rahman in this case) stays the first owner of the tune. Therefore, despite the fact that T-Series owns the copyright to the movie or recording, the corporation cannot remake Masakali with out Rahman's permission. Since A.R. Rahman

[152] https://scroll.in/reel/957912/genda-phool-what-punjabi-rapper-badshah-got-wrong-when-he-borrowed-a-bengali-folk-song (last visited on April 3rd 2025)\

neither gave permission nor transferred his rights, T-Series has no proper to distribute or approve the remake of Masakali. This situation highlights the importance of originality and the rights of authors underneath copyright regulation. It is unlawful to use, percentage or reproduction copyrighted content material with out authorization. If someone is determined guilty of copyright infringement, they face extreme outcomes consisting of fines, complaints and requests to forestall such conduct.[153]

Here is some examples of judicial pronouncement:

Saregama India Ltd. Vs. Sanjay Bansal:

Saregama India Ltd. V. Sanjay Bansal: In this place case ,the protected property created by original thought holder Saregama India Ltd. A guest operating in the unchanging sound record filed a suit for breach of the copy right of the original sound record by Sanjay Bansal. Saregama India was supported damages for one court agenda as Bansal was discovered trustworthy of violating copyrights and allocation of mp3s containing singular copyrights. This meaningful case form a characteristic of the prison associations for those the one engage in control infringement and displays by virtue of what absolute the law act protecting highbrow property next to acquiring the decent to use dominate content material.

Gunjan Sexena – Kargil Schoolgirl (2020):

The show become the challenge of a owned exclusively suit ground by way of the Artists' Rights Partnership of India. She demanded that the film secondhand songs crooned by way of the musicians, still they did not catch sovereignties (that is the amount they concede possibility be legally named to). It looks like the feature 'Gunjan Saxena – The Kargil Young woman' has been detestable through dignitary. Former, the feature became blamed of lying the Aboriginal american Air fleet which conceived much of trouble for the administrators and producers. Immediately, skilled concede possibility be sporadic hurdle for the film to pass. The makers of the videotape are immediately blamed of delivering copyright breach as they purportedly secondhand 3 old Bollywood carols in their film. A couple more has existed filed going around the Aboriginal american Voices Rights Partnership (ISRA) in which they wanted sovereignty for the technical exploitation in their overall depiction inside the film that's established IAF ship Gunjan Saxena. However, Delhi Superior court circulated subpoenas to Enlightenment Productions belonged to legendary filmmaker Karan Johar.ISRA created many accusations upon Dharma Results that involve commercially utilizing performances of allure subscribers that excessively accompanying out their previous authorization. ISRA furthermore asserted Karan Johar's production apartment of commercially utilising 3 unique conducts of allure participants in 3 unique chants of their film "Gunjan Saxena – The Kargil Schoolgirl." Those three songs were "Ae Ji O Ji" from the motion picture 'Crash Lakhan', "Choli Ke Peeche Kya Hai" from 'Khalnayak' and "Saajan Ji Ghar Aaye" from the film of Karan Johar himself 'Kuch Hota Hai'.ISRA had wanted in the plead section in their argument to authorize the entertainers' rights in their members under divisions 38 and 38B of the Owned exclusively (Improvement) Act, 2012. The Voices' Association again demanded all of the depictions of allure members expected in the beginning unspecified the above-established film films. It likewise established,

[153] https://www.juscorpus.com/copyright-in-indian-music-industry/ (last visited on April 4th 2025)

"The tariff for the entertainers' rights is continual and the accused is in charge deposit it before the Court as far as the very last election comes. "Johar's result residence rebuffed ISRA's claim proverb, "workshop efficiencies are not stay performances and as a consequence those immediately not hold right to account of royalty." Teachings Results also introduced, "The license for the chants ambiguous had existed captured from the labels involved. "The Superior court of Delhi established because criterions that the given description of "Entertainer" beneath step 2(q) of the Copyright Act involves a musician and the entertainer's correct holds the that means of some ocular or audible performance made give in utilizing individual or more performers. The court later established, "Each efficiency has expected stay whether or not former than an hearing or in a workshop and the question of performers' decent nurtured indirect ISRA was precariously triable. "Suitable way, the court agenda driven to defer the order on cost of deposit just before the next date of hearing to or even requested each the parties to complete their pleading as far as before. "Taking everything in mind the reality that the rival contentions and the latent arrangements are but expected considered through this Court, this Court, at this stage, is yielding passing some order/directions to the accused to deposit the amount until the next date of hearing to before that date occurrences will whole their pleading", the court docket established.

Ae Dil Hai Mushkil and World War Z:

Some elements of the track in Ae Dil Hai Mushkil are stated to sound very much like the theme music of the Hollywood movie World War Z. It is also claimed that one of the songs in the film was copied from the song "Last Resort" with the aid of Cockroach Daddy. These similarities improve questions about unauthorized copying of music.

Super Cassettes (T-Series) vs. Goldmines Telefilms [154]

In this case, T-Series sued Goldmines Telefilms to stop the unauthorized use of songs and scenes from numerous films. These include films like Diljale, Vaastav, Guru, and many others. T-Series has approached the courtroom for an injunction to stop the unlawful use and defend its rights. These examples illustrate the seriousness of copyright and the significance of respecting the rights of the unique author. In this case, Sajeev Pillai, a movie director and writer, had researched the traditional festival of Mamankam and wrote the script. He signed an settlement (so-called memorandum of knowledge) with Kavya Films to make the film. They even started shooting, however after rounds, the organization fired Pillai from his directorial duties. Pillai claimed that the corporation had changed his authentic script with out his permission. He filed a civil suit asking the court docket to block the discharge of the movie unless he changed into indexed because the original creator. He additionally sought an injunction to postpone the discharge of the film until the problem was resolved. The local court docket rejected his request. So Pillai appealed to the Kerala High Court, which dominated an afternoon before the movie changed into scheduled to be released. In this case, the principle concern was defensive the rights of the writer/director when a person modifies or uses his work with out right attribution.

UTV Software Communication Ltd. V. 1337X.To and Others: [155]

[154] CS(COMM) 509/2023

In this place case, the Delhi Superior court pronounced that breaking copyright regulations networked is plainly as extreme as achievement it in real life. There isn't some distinctness betwixt theft or imitating content material bodily (like DVDs) and doing it digitally (on websites). The Control Act treats two together the alike. So, if one uploads films or displays illegally on a site, it's however a evil beneath the organizing.

Disney Enterprise Inc. And Others v. Kim Cartoon and Others:[156]

In this example, Disney took legal motion in opposition to a internet site that became illegally sharing its films and suggests online. The court docket told the website to prevent copying, sharing, or showing any of Disney's movies on the net. This helped protect Disney's rights and averted more damage from unlawful streaming.

R.K. Productions Pvt. Ltd. Vs. R.K. Films Corporation (1989)

R.K. Productions made the traditional film "Ram Teri Ganga Maili" in 1985. Another business enterprise, R.K. Films Corporation, made a Tamil version of the movie referred to as "Pudhu Pudhu Arthangal" without requesting permission.

R.K. Productions sued them, and the court stopped the discharge of the Tamil movie. This case set an example that copying a movie with out permission is illegal.

Anil Kapoor Film Company vs. T-Series (2012) [157]

Anil Kapoor's company claimed that T-Series copied their track "Dil Mera Muft Ka" from the film Agent Vinod and launched a similar tune called "Mere Bina Tu" in some other movie.

They settled the problem privately, and T-Series agreed to pay ₹50 lakh as compensation. This indicates how even copied songs can cause legal hassle.

Barfi! (2012) – Plagiarism Accusations

The hit film Barfi! Was stated to have copied scenes from foreign movies like The Notebook, Singin' within the Rain, and City Lights. Even though no lawsuit was filed, these claims brought attention to how inspiration can cross the line into copying, especially in films.

1 Idiots (2009) vs. Five Point Someone (2004)
2 The film three Idiots was stated to be primarily based on Chetan Bhagat's e book, Five Point Someone. Bhagat said he turned into now not given enough credit for the story. The filmmakers said the film become simplest loosely stimulated via the e-book. No legal case become filed, but the issue was talked about loads in the media.

The Zoya Factor (2019) vs. Zoya's Kavachi (2018)

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[155] CS (COMM) 724/2017
[156] CS(COMM) 275/2020
[157] ITA No.5015/Mum/2018

Author Anuja Chauhan claimed that the film The Zoya Factor changed into a copy of her e-book Zoya's Kavachi. She filed a lawsuit. The Delhi High Court dominated in favor of the author and stayed the discharge of the film till the difficulty become resolved. The case showed that books and the ideas they contained had been additionally included via copyright.

In the case of ***Mr. Anil Gupta et al. Vs. Mr. Kunal Dasgupta et al.***[158], the plaintiff Mr. Anil Gupta accused the defendants of copyright infringement. He claimed that he had at the start evolved and released a completely unique TV display idea based totally at the ancient Indian custom of "Swayamvar", in which a girl chooses her husband from a group of suitors. Gupta came up with the concept within the shape of idea notes and different materials, which he shared confidentially with the defendants. Later, the defendants launched a TV show called "Shubh Vivah" with a strikingly comparable layout. In the display, girls pick out their existence companions from a set of ability suitors, which is very close to Gupta's unique idea. Since Gupta felt that his thoughts were being used without permission, he filed a lawsuit for copyright infringement. The court ruled in Gupta's prefer. The court docket ruled that even as trendy thoughts are not protected by means of copyright, the way Gupta translated his ideas into a detailed layout and further developed them deserved protection. The courtroom emphasized that Gupta had invested loads of attempt and creativity in designing the display concept, which represented an authentic expression of an concept. Since the defendants had get entry to the material and in the end used it in a show that had full-size similarities to Gupta's work, they were observed to have infringed copyright.

This case highlights the precept that once an concept is expressed in a clean and creative shape, in particular whilst it's miles communicated in confidence, it is covered by using regulation. Unauthorized use of such expressions may additionally result in a locating of copyright infringement because the courts are looking for to protect the rights of the unique author and the value of his highbrow exertions. These cases show that the Indian film industry every so often makes use of the work of others without proper permission, which results in prison problems. It is vital to respect copyright and provide credit to the writer or ask for permission. This protects creativity and promotes the independence of the enterprise.

In the another legendary case of ***R.G. Anand v. M/S. Delux Films & Possible choice***[159] , protected property created by original thought breach become worrisome concerning a play and a motion picture. The dramatist R.G. Anand had inscribed a play in 1953 famous as The Song of a Hindustani. He demanded that he had presented the play to the defendants and later they fashioned a film refer to as New Delhi, that he demanded curve into a copy of his play. He began the court demanding that the motion picture had plagiarized welcome fiction and so constituted dominate breach. The case was very lively for Aboriginal american dominate regulation as the Supreme Court start essential standard about what is and is not covered by utilizing control. The court established that copyright does not any more uphold just an idea, a chosen subject, an part or a old reality. The indicated form in what way an idea is signified is contained – to a degree structure, form, group and manner of performance. So, if one takes the natural concept or problem of additional work but means it in a different habit, this does not show protected property

[158] 97(2002)DLT257
[159] 1978 AIR 1613, 1979 SCR (1) 218, SUPREME COURT 1613,1978 SCC (4) 118

created by original thought infringement. Nevertheless, if one copies the verbalization of an idea (containing talk, personalities and plot) in a manner that forges a clean likeness to the original, it is intelligent expected thought-out something held infringement. Courts commonly deliver the case to resolve in any case faraway has happened reproduced, and it additionally aided form organizing for hearing to something held disputes in India.

In the case of ***Sanjay Kumar Gupta v. Sony Picture Networks India Pvt. Ltd***.[160] It became approximately the concept of a recreation show and its feasible imitations. Sanjay Kumar Gupta evolved a idea for a recreation show 'Jeeto Unlimited' wherein participants may want to win prizes via answering quiz questions. He claimed that Sony Networks pressured him to signal a consent form allowing them to use his concept with none liability. He subsequently filed a case for copyright infringement towards Sony's famous show 'Kaun Banega Crorepati' (KBC). The court reviewed the case and applied the principles of Ex. R.G. Anand Falls. It held that an idea itself is not protectable with the aid of copyright – only the particular expression or representation of the idea is. In this situation, the court discovered that the idea of involving the audience and asking quiz questions became common and were followed in lots of indicates. The way KBC selected the participants and carried out the show turned into also extraordinary from Sanjay Gupta's idea. The court therefore dominated in prefer of Sony Networks, locating that there have been no copyright infringement because the general idea turned into not original sufficient to be protectable and due to the fact the real implementation technique of KBC differed from the complainant's idea.

More lately, in the case of ***Arijit Singh v. Codible Ventures*** [161] stopped several organizations, along with social media and AI platforms, from the usage of Jackie Shroff's voice, photograph, or persona without his permission. The court agreed that the use of his identification in commercials or promotions without asking him became misuse and violated his character rights. Stopped numerous agencies, inclusive of social media and AI systems, from the usage of Jackie Shroff's voice, photograph, or persona without his permission. The court docket agreed that the usage of his identity in commercials or promotions with out asking him turned into misuse and violated his character rights.

Similarly, the Bombay High Court dominated in favor of Arijit Singh, the well-known singer, whilst some groups used his name, voice, and photograph (including thru AI gear like voice cloning) with out his permission. The court docket stated this turned into additionally a clear violation of his character rights because most effective Arijit has the right to permit or deny such use of his identification.

In the case of ***Mathematical Object desired by collectors Pte. Ltd. And so forth vs Galactus Funware Technology Private Restricted and Another [2023 SCC Connected to the internet Del 2306],*** [162] the Delhi Superior court acted immediately not find a defilement of character rights. A adventure had established and purchased NFTs (in essence tokens) utilizing art work or caricatures located completely on legendary cricketers. The court pronounced this

[160] 31249/2018
[161] IPR SUIT (L) NO.23443 OF 2024
[162] \[2023 SCC Online Del 2306]

enhance not alike to using their evident photograph or name rapidly for wage. Cause the NFTs had been artistic, artistic, or comical and concede possibility arrive as rancor or parody, the court stated this form beneficial curve into admitted and didn't smash some permissible guidelines.

Saregama India Restricted v. Balaji Motion Pictures [163]Restricted and so forth. In this place model, Saregama India Restricted accused Balaji Motion Pictures of plagiarizing their Marathi harmony and utilizing it inside the feature Attractive woman. The filmmakers argued that they had secondhand handiest strains of the harmony on the stop of the film and had correctly ascribed me. The entertainment of the tune curve into original and had of highest quality-of-a-kind temper and idea, so it altered into not any more a right away duplicate. Nevertheless, the court found that the defendants had unquestioned Saregama's partnership of the sounds that are pleasant, harmonized and therefore manage not raise some further argument. The tribunal furthermore determined that few of the sounds secondhand inside the film were very related to the original and effortlessly apparent, which confirmed that it enhance falsification. Because the videotape has not but been announced, the court acted immediately not award damages but circulated an decree controlling the filmmakers from the usage of the controversial path.

Yashraj Films Pvt. Ltd. V. Sri Sai Ganesh Productions and others Ltd. [164]

In this case, Yashraj Films made a Bollywood movie called Band Baaja Baaraat. They owned the overall copyright to the whole lot inside the movie—like the story, script, dialogues, song, and characters. They by no means gave permission to absolutely everyone to remake it. But a Telugu manufacturing corporation known as Sri Sai Ganesh Production copied the movie and made a new edition in Telugu referred to as Jabardasth, with out asking Yashraj Films. This turned into discovered in 2011. Yashraj Films sent them criminal warnings (called "quit and desist" notices), but the producers neglected them. Later, they even bought the rights for a Tamil model called Dum Dum Pee Pee, which changed into also copied from the unique film.

The Delhi High Court said that Jabardasth became a right away reproduction of Band Baaja Baaraat. It lacked any originality, which is a key requirement beneath the Copyright Act of 1957. The court talked about that simply changing the language or a few info doesn't make a work original. The choose also noted an in advance Supreme Court case (R.G. Anand v. Deluxe Films), which stated that copyright protection doesn't just cowl precise copies—it also protects against copying the essence or core ideas of a work. So even in case you don't copy phrase-for-phrase, in case your work is essentially the same at heart, it's nonetheless copyright infringement. This case suggests how strongly Indian law protects innovative works. If someone attempts to remake or copy a movie with out permission—regardless of minor changes—they may be legally stopped and held accountable.

In the case of ***Shree Venkatesh Films Pvt. Ltd., Shree Venkatesh Films Pvt. Ltd. Sued Vipul Amrutlal Shah et al.***[165] In 2009, in relation to copyright. Shree Venkatesh Films produced a Bengali movie known as Chander Bari. Later, Vipul Amrutlal Shah made a Hindi film referred to as Waqt, which was very similar to the Bengali movie. The

[163] CS(COMM) 492/2019
[164] AIR 2019: DEL 1017
[165] AIR 2010 (NOC) 610 (CAL.)

foremost query became whether the Hindi film was an unlawful reproduction of the original Bengali film. The court docket scrutinized both the movies, focusing on their memories, characters, and unique scenes. It was located that many vital quantities have been copied with out the permission of Chander Bari. The court then dominated in desire of Shree Venkatesh Films and ordered that the Hindi film Waqt should no longer be further distributed or screened.

In any other case in 1996, ***Ratna Sagar Pvt. Ltd. Sued Trisea Publications*** [166] et al. In relation to copyright infringement of textbooks. Ratna Sagar changed into a famous textbook publisher. They claimed that another agency, Trisea Publications, had copied massive parts in their books with out permission. The courtroom carefully tested each books and discovered that Trisea had copied the content material phrase for phrase in lots of places. The decide stated that due to the fact Ratna Sagar's books had been unique and innovative, copying them constituted a clear infringement of copyright. Ultimately, the courtroom ruled in want of Ratna Sagar and ordered Trisea Publications to stop copying and selling the copied substances.

Britannia Industries v. ITC Ltd. 2021. [167]

The case worried a felony dispute among two major biscuit producers in India, Britannia Industries and ITC Ltd. Britannia argued that ITC copied the appearance of its Nutri Choice digestive biscuits while designing the packaging of its very own Sunfeast Farmlite five-Seed digestive biscuits. They claimed that the colours, format, and usual look of the two biscuit packages had been so similar that clients might be careworn and assume they had been from the identical brand. Britannia took the problem to the Delhi High Court, pronouncing it turned into a case of trademark infringement and misuse. Legally, trademark infringement is when someone illegally uses another emblem's trademark, even as trademark misuse is when a product is bought and deceives purchasers via making it appear to be someone else's product. The judge, but, did no longer agree with Britannia. The courtroom examined the two applications and concluded that they have been not similar and could no longer confuse the common consumer. The choose explained that the regulation does not require humans to look carefully for similarities and ignore variations whilst making a purchase. A normal individual, perhaps with a terrible reminiscence but nonetheless fairly sensible, might not confuse the two packets of biscuits except they have been status a long way away and will handiest see the colors. Therefore, the court dismissed Britannia's claim. The case additionally in brief mentioned copyright law, mentioning that copying creative works may additionally bring about civil (which includes damages) and crook (such as fines or imprisonment) damages. This interpretation simplest considers the civil law element, and the court may additionally order the copier to cease and desist (initial injunction), pay damages, or grant different suitable comfort, relying on the instances

In ***Excellent Cassettes Labors Ltd. V. Myspace Inc. & App*** [168]**.**, the Delhi Trial court captured into consideration the question of control breach in the virtual field and the opportunity of permissible responsibility of vulnerable negotiators which contain Myspace. Excellent Cassettes Enterprises, better known as T-Succession, asserted that Myspace changed into site entertaining and discharging its dominate path and video content accompanying out

[166] 1997(1)ARBLR30(DELHI), 64(1996)DLT539
[167] CS(COMM) 553/2020
[168] FAO(OS) 540/2011

decent permission. T-Series wanted an decree controlling Myspace from making such purportedly violating cloth available on allure program. Myspace defended itself through maintaining that it merely provided a program for uploading content what it acted now not itself adjoin or maneuver the copyrighted fabric in query. The firm trustworthy Section 79 of the Data processing Act, 2000, that gives a "safe harbour" to mediators. This supplying normally protects mediators from burden for 0.33-date of birth party content material provided that they do immediately not initiate the broadcast, select the receivers, or regulate the facts held within the broadcast. The tribunal proven the role performed accompanying the aid of Myspace and either it could honestly pass away into consideration a lifeless mediator. It recognized that whilst control possessors like T-Series possess that should be esteemed, it's also owned by save the legitimate operations of wired duty companies the one power not have direct control over life-uploaded content. The Court discovered that T-Order had not any more supplied enough evidence to start that Myspace had absolute information of precise infringements or had acted not behave appropriately completely-and-stop memorandums. As a end result, the Court decided that Myspace enhanced named to the safe harbor protections of Division seventy nine and couldn't see accountable for individual-produce content, at the smallest on the stage in what way injunctive remedy enhance sought. This case focal points the complicatedness of executing intellectual assets rights at the WWW, at which point content is regularly generous, joint fast, and consumer-generated. The Court's unwillingness to grant an decree augments the precept that emissaries must not be badgered with an arbitrary burden of listening content upon any less condition than they actively play inside the breach or fail to reply correctly subsequently taking a note. It also decorates the permissible balancing act 'tween transfer artistry and defensive highbrow accouterments, on the individual help, and keeping the skill and open-mindedness' of digital principles, on the alternative.

.***Raj Rewal v. Union of India***[169]

The case handled whether architect Raj Rewal ought to item to the demolition of the Hall of Nations, a constructing he designed, below Section fifty seven of the Copyright Act, which offers moral rights to authors. Rewal argued that the demolition violated his rights as the building's creator.

The Delhi High Court rejected his claim, declaring that the landowner's constitutional proper to manipulate their property (Article 300A) overrides an architect's moral rights beneath copyright regulation. The Court clarified that Section 57 protects in opposition to distortion or amendment, now not entire destruction. Since a demolished building can not be skilled or viewed, it doesn't amount to damage to the architect's honor or recognition.

Thus, the Court held that whilst an architect can save you misrepresentation in their layout, they can not forestall the demolition of a building once the property rights relaxation with the owner.

UTV Software Communication Ltd. V. 1337X.TO & Ors [170]**–** In This case addressed the mission of managing 'Rogue Websites' that again and again resurface through replicate or redirect hyperlinks after being blocked for

[169] CS(COMM) 3/2018
[170] CS(COMM) 724/2017

copyright infringement. UTV Software, a content material producer, sued several such web sites and Indian authorities for unauthorized sharing of its copyrighted films.

As many infringing web sites were hosted outdoor India and unresponsive, the Court appointed an amicus curiae and targeted on a broader criminal answer. The Delhi High Court brought the idea of a 'dynamic injunction'—a mechanism permitting rights holders to increase current blocking off orders to new mirror or redirect sites without starting up clean complaints.

This technique, stimulated via Singapore's prison precedent, aimed to tackle on-line piracy more effectively and ease the prison burden on copyright proprietors.

The exploration of Indian case laws in this chapter highlights the dynamic and, at times, fragmented technique adopted by means of the Indian judiciary in addressing copyright demanding situations in the realm of virtual media. As generation keeps to strengthen hastily, Indian courts have been an increasing number of called upon to interpret and follow the Copyright Act, 1957, to scenarios involving digital duplicate, on-line dissemination, streaming systems, and consumer-generated content material — regions that were not completely envisaged while the law changed into at the start enacted.

Several key judgments, consisting of **Super Cassettes Industries Ltd. V. MySpace Inc., Tips Industries v. Wynk Music Ltd., and Shreya Singhal v. Union of India**, demonstrate the judiciary's willingness to have interaction with the specific complexities of digital systems. These instances have addressed troubles ranging from intermediary legal responsibility and takedown responsibilities to the scope of honest use and the definition of public performance in a web context. While those choices have supplied a few clarity, they have got additionally uncovered gaps within the law — in particular in phrases of jurisdiction, enforcement, and the role of on line systems in moderating infringing content.

A exquisite aspect emerging from Indian jurisprudence is the courts' emphasis on balancing the rights of copyright holders with the ideas of unfastened speech, innovation, and get right of entry to to understanding. For instance, in Shreya Singhal, even though not a copyright-precise case, the Supreme Court laid down essential ideas about intermediary liability and freedom of expression which directly affect how copyright claims are dealt with on digital platforms. Similarly, in ***Phonographic Performance Ltd. V. Lookpart Exhibitions***[171]**,** the courts attempted to define virtual streaming on the subject of public performance rights — a gray region beneath modern-day law.

The traditional legal system has struggled to keep up with the rapid growth of the internet. To address the digital revolution, laws have been enacted all over the world. It will be impossible for the legislature or the courts to immediately establish effective remedies. However, amendments to existing laws and harmonisation for developed and developing countries have aided in resolving the above-mentioned problems with copyright in the digital domain.In ***Syed Asifuddin And ord v The State of Andhra Pradesh & Anr [2005 CRLJ 4314]***[172]**,** Employees of Tata Indicom got indicted on suspicion Of trying to hack a computer source code under Section 65 of the Information Technology Act, 2000, which were only for Use on the internet services of Reliance Infocomm. As per the tribunal, this code modification is indeed a felony offence. According to the court, a computer programme is a work of

[171] CS (COMM) 188/2022
[172] [2005 CRLJ 4314]

literature covered by copyright under Section 2(o), (ffc), Sections 13 and 14, and any infringement of a computer programme is penalized under Section 63. The judge specifically stated, nevertheless, that once the material has already been provided, the question will be decided by the trial judge. Nonetheless, such change must not be deemed reasonable use under Section 52 of the Copyright Act 1957 as it was not Back manufactured for any of the exemptions specified in Section 65A of the Copyright Amendment Act, 2012.***SUPER CASSETTES INDUSTRIES LTD. V. YAHOO INC. & ANR, CS(OS) 1124/2008***[173]Unlawful streaming of SCIL's Copyright infringement on Yahoo's website multimedia has resulted in copyright violation, according to a complaint Demanding a judicial ruling. Yahoo had claimed safety under the Digital Millennium Copyright Act (DMCA), asserting that if content providers contacted them, they could erase contributory infringement; nevertheless, this statute does not extend in India. The accuser and its workers, operatives, and caucuses are prohibited from replicating, adapting, Disseminating, or redistributing the plaintiff's motion picture films, audio recordings, and/or underlying literary or artistic works in any way on their webpage, www.video.yahoo.com, and or intruding in any way on the plaintiff's cinematograph Films, audio recordings, and/or fundamental musical composition works, in which the petitioner asserts possession.

SUPER CASSETTES INDUSTRIES LIMITED V. YOUTUBE & GOOGLE[174] YouTube's policy, according to SCIL, promotes and profiteers from using copyright content shared online without getting a permit or permission from the actual content providers or repaying them in any way. The High Court issued an injunction over YouTube and Google, prohibiting them from duplicating, modifying, disseminating, transmitting, or Presenting any audio-visual compositions that are the sole property of SCIL on their sites

However, demanding situations continue to be. The judiciary frequently has to depend upon old statutory provisions and interpret them in light of contemporary technology including streaming, cloud garage, and synthetic intelligence — growing uncertainty for each rights holders and customers. There is also inconsistency in lower courtroom selections, in particular on interim injunctions and damages in virtual copyright disputes. The absence of a unified, era-targeted jurisprudence has brought about piecemeal development, which may additionally prevent each enforcement and innovation.

In conclusion, Indian case law on digital copyright illustrates a judiciary that is adapting, albeit progressively, to the realities of digital media. While courts have made significant interventions, the modern legal framework still falls quick of addressing the total spectrum of challenges posed via virtual content material introduction and intake. These findings underscore the need for legislative reform — not most effective to modernize present copyright legal guidelines however additionally to harmonize them with international standards and technological developments. The insights drawn from those cases might be pivotal in framing the coverage guidelines mentioned inside the coming near near chapters, aimed at growing a higher and destiny-prepared copyright regime in India.

[173] CS(OS) 1124/2008\
[174] AIR2004DELHI326

CHAPTER 5
CONCLUSION AND RECOMMENDATION

In end, this example doesn't simply display that a copyright became broken. It highlights how essential it nevertheless is to defend highbrow belongings online. Protecting creative work helps now not just the creators and agencies however also promotes equity and supports the financial system and increase of innovative industries. Over the past few many years, libraries have modified a lot. With the advent of computer systems, libraries have become extra advanced and will offer offerings that had been no longer possible before. One of the most important changes came with the upward thrust of the Internet and the World Wide Web. Suddenly, libraries had get right of entry to to large amounts of digital information. Publishers started out freeing books, journals, and different materials in virtual codecs. Today, in keeping with InternetWorldStats.Com, over 1,459 million human beings use the Internet, showing just how linked the arena has grow to be.

However, the upward push of virtual content also brings new demanding situations. Digital materials like textual content, photos, audio, and films can be easily copied, shared, and modified. These documents may be sent the world over via emails, web sites, and social media. People can down load, shop, print, or forward content material—every so often with out permission. Unlike revealed materials, virtual content is straightforward to exchange or delete, frequently with out leaving any trace. This makes it tough to control or screen its use. Because of those adjustments, copyright legal guidelines have become more difficult to put into effect. While the primary concept of copyright has not modified, making use of these legal guidelines in the virtual international is extra complicated. Some people think current copyright legal guidelines still paintings due to the fact they shield all kinds of innovative work, whether or not virtual or not. Others accept as true with the legal guidelines are previous and don't well address the problems as a result of new technology like web sites, software, or multimedia systems.

The digital world has made it simpler for humans to create and share content, however it additionally makes it less complicated to copy and misuse others' work. For example, content can unfold fast thru social media, streaming services, and document-sharing web sites. This makes it difficult for conventional copyright enforcement methods to keep up. There is a need for brand new answers that shield creators' rights whilst still allowing fair use and freedom of expression.

A right example is the court docket case Star India Pvt. Ltd. V. Moviestrunk.Com, which happened within the Delhi High Court. In this example, the court docket treated a website that become illegally sharing copyrighted films. The court known as the website a "rogue" website online and ordered Internet provider carriers to block access to it. This confirmed that felony motion may be taken to stop on line piracy and defend creators' rights. This case also proves that the legal system can cope with virtual copyright troubles if used nicely. It sends a message to folks that strive to interrupt the law that copyright holders can take prison action. The case also supports agencies like Star India and helps protect the creative industry. As digital piracy keeps, it's clean that sturdy prison protections are needed to protect highbrow belongings. The Star India case suggests that copyright legal guidelines ought to hold evolving to live applicable in a world wherein generation and media habits are continuously converting. It also suggests that

cooperation is needed—from creators, the prison device, and Internet service vendors—to combat virtual copyright violations.

Copyright is a prison right given to the author of a work, which includes a writer, musician, or filmmaker. This right lets in the author to control how their work is used by others. These rights are referred to as exceptional rights due to the fact only the copyright owner has the authority to decide how the work can be shared, copied, or tailored. Over time, as technology has developed, the forms of rights that come with copyright have additionally increased. For example, while the printing press was invented, authors had been given the right to print and duplicate their work. Later, with the upward push of track, drama, and broadcasting, the rights extended to acting and sharing works with the general public. Copyright also now includes the right to translate a ebook or tune into every other language, or flip a tale into a film. More recently, the law consists of rights associated with on line sharing, virtual distribution, renting, and lending.

However, now not all uses of a copyrighted work are managed by the copyright proprietor. For instance, once a person buys a ebook, the authentic author can not stop them from reading or reselling it—this is known as the "First Sale Doctrine." Similarly, while a person reads or browses content material on-line, the copyright proprietor can't prevent this kind of basic get right of entry to. Copyright owners can advantage economically from their paintings by means of promoting it or licensing it to others. But if a person else desires to use the work in a way that falls underneath the proprietor's exceptional rights, they should get permission first. If they use it without permission and do no longer fall beneath any felony exceptions, it's miles considered copyright infringement, and that they can be held responsible. The rights that copyright proprietors receive additionally rely upon the type of work they've created. In any case, if another character desires to use that paintings, there needs to be a felony settlement—either an undertaking or a license—that in reality allows it.

As we circulate via the complex world of the net and digital era, the significance of digital copyright becomes clearer. It facilitates guard the paintings of creators and inventors, ensuring they get credit score and rewards for their time, skill, and ideas. More than simply a fixed of legal guidelines, virtual copyright indicates how tons we cost creativity and unique wondering, in particular in a time whilst content may be copied and shared so without problems. It allows create a fair system wherein human beings can preserve inventing and sharing new ideas, at the same time as also being paid pretty for his or her work. As generation maintains changing how we percentage and use data, digital copyright will preserve to play a key role in defensive original work and assisting creativity within the virtual global.

As the Media and Entertainment industry keeps growing and changing, the legal guidelines that govern it also need to keep up. The points above provide an explanation for the primary ideas of India's Copyright Act and how it connects to this industry. Copyright legal guidelines do no longer protect things like thoughts, unrecorded performances, titles, names, facts, or facts. But they do protect innovative works like track, pix, and writing, which are very important to the Media and Entertainment industry. Over time, those creative works help the financial system by means of growing jobs and producing earnings, which supports a rustic's economic boom. That's why it's critical to protect and make use of these highbrow residences — so both the financial system and the creators can benefit.

As referred to in advance, copyright is a collection of felony rights given to individuals who create such things as books, songs, artwork, movies, and sound recordings. It is a regulation that protects creators, indicates recognize for his or her work, and encourages creativity. Copyright facilitates humans sense secure and liked for his or her original thoughts. However, much like any law, copyright also has its challenges. While it protects creators from others the use of their work without permission, it's additionally essential to be honest. That's in which the idea of "fair use" is available in—it lets in some use of copyrighted paintings with out breaking the law, particularly in cases in which it's unintended or not dangerous.

Every copyright case is extraordinary. So, earlier than creating a final choice, it's important to cautiously observe all the statistics. The author's rights have to be respected, however the public's hobby have to also be taken into consideration. In some instances, even though someone breaks the guideline without meaning to, they may not deserve harsh punishment. That's why judges must study each situation carefully and balance the rights of the writer with what's nice for the public.

The emergence of social media has revolutionized the way content is created, shared, and ate up, ushering in an generation of unprecedented user engagement and innovative participation. Platforms which includes YouTube, Instagram, TikTok, and Facebook have enabled individuals to generate and distribute content material on a global scale, often blurring the boundaries between creator and target market. This shift has considerably impacted copyright law, introducing new complexities in enforcement, possession, and fair use interpretations.

At the coronary heart of this change is consumer-generated content material (UGC), which encompasses the entirety from videos and memes to remixes and fan art. Much of this content material both contains or builds upon present copyrighted works, now and again with attribution however often without express permission. Traditional copyright regulation, designed for a pre-digital generation, is being tested by using those practices. The ease with which users can mirror and alter virtual fabric demanding situations the prison frameworks meant to defend unique creators even as fostering innovation and cultural alternate.

One of the number one prison tensions lies in the idea of honest use. While truthful use lets in for constrained use of copyrighted material without permission—in particular for functions which includes grievance, parody, schooling, or remark—it's miles inherently subjective and varies broadly with the aid of jurisdiction. Courts assess fair use based on elements along with the purpose and individual of the use, the character of the original paintings, the quantity used, and the effect available on the market value of the original. Social media complicates these reviews, especially while content material is converted however nevertheless heavily reliant at the authentic. The question of what constitutes a "transformative" use is now primary to several legal disputes related to UGC.

Platform liability is every other contentious problem. Under the U.S. Digital Millennium Copyright Act (DMCA), platforms enjoy "safe harbor" protections that exempt them from legal responsibility for person-uploaded content, furnished they act quick to remove infringing cloth while notified. In reaction, groups like YouTube have advanced systems consisting of Content ID, which automatically identifies and monetizes copyrighted content material. While effective in some cases, these systems may be overly aggressive or faulty, ensuing in wrongful takedowns and a chilling impact on valid expression. Moreover, the DMCA's be aware-and-takedown system has been criticized for permitting censorship and abuse, mainly when used to silence critics or suppress dissent.

Legal disputes which include Lenz v. Universal Music Corp. And Viacom v. YouTube illustrate the continued warfare to define the obligations of users and structures alike. The former case emphasized the want to remember honest use earlier than issuing takedown notices, whilst the latter examined the limits of platform immunity. These instances spotlight the evolving nature of copyright enforcement in a digital context, in which traditional felony tools can be insufficient or overly rigid.

In response to these challenges, there have been growing calls for copyright reform. Proposals include clearer hints for fair use, worldwide harmonization of copyright standards, and more advantageous educational initiatives to inform users about their rights and duties. Creative Commons licensing has also emerged as a popular answer, allowing creators to pre-authorize certain makes use of in their work beneath precise conditions. At the identical time, advancements in synthetic intelligence and algorithmic moderation offer new equipment for identifying infringement, although they too need to be implemented with warning to avoid unjust boundaries on freedom of expression.

Ultimately, the intersection of social media, person-generated content, and copyright law reflects a broader cultural and prison transformation. As the lines among creators and customers maintain to blur, prison systems should evolve to strike a balance between protective intellectual property and encouraging creativity inside the virtual age. This sensitive equilibrium will outline the destiny of copyright in a global more and more shaped with the aid of participatory media.

The regulatory framework of copyright in India, even though complete on paper, faces several structural, procedural, and technological challenges that make contributions notably to the prevalence of virtual piracy. These challenges aren't simply prison or administrative in nature but are deeply rooted in broader systemic issues along with enforcement capacity, technological evolution, public recognition, and international cooperation. India’s primary rules governing copyright is the Copyright Act of 1957, which has been amended periodically to hold tempo with rising challenges, specifically in the digital space. The 2012 modification, as an instance, brought provisions to address virtual infringement and furnished protection for rights in the context of the internet and digital broadcasting. However, in spite of those legislative efforts, enforcement stays the weakest hyperlink inside the regulatory chain. Law enforcement agencies often lack the technological knowledge vital to detect and act in opposition to virtual infringement. Most police departments and cyber cells are understaffed or undertrained in managing virtual piracy, and many lack committed units to investigate on-line intellectual property (IP) crimes. Furthermore, copyright enforcement regularly ranks low on the priority list compared to different cybercrimes consisting of hacking, identification theft, or financial fraud.

In addition to weak enforcement, the judicial procedure in India is notoriously gradual, and this sluggishness discourages copyright holders from pursuing felony remedies. Civil litigation for copyright infringement can take years to conclude, and intervening time remedy along with injunctions or takedown orders are frequently difficult to attain in a timely way. Even while courtroom orders are issued in opposition to infringing websites or systems, the implementation of these orders is inconsistent. Many infringing websites without a doubt shift to new domain names or use replicate web sites to retain their operations, efficaciously circumventing judicial orders.

A most important structural problem is the jurisdictional complexity involved in tackling virtual piracy. Much of the pirated content consumed in India is hosted on servers positioned out of doors the usa, making it extremely difficult for Indian authorities to take effective criminal motion. While India has entered into numerous bilateral and multilateral agreements geared toward strengthening worldwide cooperation on highbrow property rights (IPR), the lack of harmonization in copyright legal guidelines and enforcement mechanisms across jurisdictions poses a considerable barrier. Efforts which includes mutual felony assistance treaties (MLATs) are regularly time-consuming and bulky, and the technique of taking down foreign-hosted infringing content material lacks both velocity and truth.

Technological advancements have further compounded the problem. Piracy has moved beyond simple downloads to streaming websites, cyberlockers, peer-to-peer networks, and encrypted messaging apps. Torrent generation, VPNs, proxy servers, and reflect websites permit customers to access pirated content with minimum hazard of detection. The adaptability and resilience of those technology outpace traditional enforcement techniques. Moreover, many infringers use automation gear to duplicate pirated content throughout a couple of platforms, making it nearly impossible to music and dispose of all instances of infringement.

Another frequently-omitted issue is the shortage of public consciousness and virtual literacy concerning copyright laws. Many customers in India do now not remember virtual piracy a critical prison or moral offense. The notion that digital content—whether or not films, tune, e-books, or software—must be freely accessible is tremendous, mainly among younger net users. This cultural mind-set closer to piracy is partly fueled by the dearth of affordable and accessible prison options. In areas with constrained get entry to to certified content material, specially in vernacular languages, piracy will become the default mode of intake. Even when felony alternatives exist, pricing models and availability may be prohibitive for a sizable portion of the populace.

Finally, the regulatory institutions themselves, such as the Copyright Board and the Registrar of Copyrights, suffer from underfunding, bureaucratic inefficiencies, and confined autonomy. These establishments are often not able to carry out awareness campaigns, conduct training applications for regulation enforcement, or coordinate successfully with international agencies. Moreover, India lacks a specialised IP enforcement organization or a quick-tune mechanism to address digital piracy cases. In conclusion, the trouble of virtual piracy in India is deeply rooted in a complex interplay of useless enforcement, technological challenges, jurisdictional hurdles, and coffee public cognizance. While the felony framework can be largely adequate, the implementation and operational elements fall extensively brief. Addressing digital piracy efficaciously in India will require no longer simply stricter legal guidelines, however additionally a multi-pronged method that includes strengthening enforcement mechanisms, enhancing judicial performance, leveraging technology for detection and monitoring, and selling sizable public consciousness and less expensive get entry to to criminal virtual content material.

Controlling virtual piracy in India calls for a comprehensive and sustained method that goes past the mere enactment of legal guidelines. While the united states of america already possesses a reasonably robust copyright legal framework, the real assignment lies in implementation and adapting to the rapidly evolving virtual panorama. One of the primary remedies involves strengthening the enforcement mechanisms. The advent of specialized highbrow assets courts or speedy-song tribunals could allow copyright infringement instances, specifically those regarding digital piracy, to be resolved greater effectively. These bodies could no longer most effective convey understanding

to the adjudication procedure however also assist reduce the delays that presently discourage rights holders from pursuing felony treatments. Another important vicinity of intervention is the use of generation. As virtual piracy turns into more state-of-the-art, enforcement should leverage similarly superior tools. Automated content popularity systems, virtual watermarking, fingerprinting technologies, and AI-based content material monitoring equipment can assist in detecting and getting rid of infringing content material throughout systems greater rapidly. These technology, when paired with green takedown tactics related to internet provider providers and social media structures, may want to create a greater proactive ecosystem of enforcement. Moreover, introducing dynamic injunctions—court docket orders that robotically apply to mirror or clone websites of infringing web sites—would near loopholes often exploited by using virtual pirates who merely shift to a one of a kind area to prevent felony action.

International cooperation is likewise critical, specifically considering that a lot of the pirated content material accessed in India is hosted on foreign servers. India can benefit from strengthening its participation in global frameworks and negotiating bilateral agreements to facilitate faster go-border criminal movement. This would help in taking down infringing web sites which are beyond the on the spot attain of Indian regulation but available to Indian customers.

In the unexpectedly evolving digital panorama, the traditional frameworks for copyright protection face enormous challenges. The ease of duplication, instantaneous distribution, and international reach of digital platforms have rendered traditional enforcement mechanisms less powerful. India, with its booming digital economic system and increasing internet penetration, is experiencing a surge in virtual content creation across various systems — from OTT streaming and social media to on-line publishing and digital artwork. However, this virtual explosion has also brought about significant copyright infringement, often going unchecked because of felony, institutional, and technological limitations. Therefore, it becomes vital to think again and support the modern copyright regime to address the demanding situations posed by digital media.

One of the number one areas requiring interest is legislative reform. The Indian Copyright Act of 1957, though amended in 2012 to address some digital concerns, still lacks comprehensive provisions to control modern technology like streaming, digital sampling, AI-generated content, and consumer-generated media. For instance, the regulation remains largely silent on the way to treat content material generated through artificial intelligence — whether such works are eligible for protection, and in that case, who owns the rights. Similarly, the contemporary law does no longer truly outline the responsibilities of virtual platforms web hosting infringing material. This ambiguity consequences in inconsistent judicial interpretations and weakens enforcement. India should don't forget aligning its home copyright laws with worldwide requirements, along with those laid out within the WIPO Internet Treaties, to provide clearer and greater effective safety within the digital surroundings.

Closely related to this is the issue of middleman liability, which worries the role of systems along with YouTube, Facebook, Instagram, and emerging Indian apps in monitoring and casting off infringing content material. The existing rules beneath the Information Technology Act, 2000 provide simplest restricted and every now and then indistinct guidance. In the absence of a well-dependent note-and-takedown gadget much like the DMCA (Digital

Millennium Copyright Act) within the United States, enforcement in India remains reactive and inefficient. The "secure harbour" provisions granted to intermediaries have to be reconsidered to strike a better stability between platform duty and freedom of expression. Introducing a "note and live down" mechanism—wherein infringing content isn't simplest eliminated as soon as notified however avoided from being re-uploaded—ought to significantly minimize repeat offences.

Judicial enforcement, even as revolutionary in numerous instances, stays inconsistent and time-consuming because of a lack of specialized information and overburdened courts. Some landmark choices, such as Super Cassettes v. MySpace and Tips Industries v. Wynk Music, mirror an evolving jurisprudence that tries to stability copyright safety with public interest. However, the absence of committed Intellectual Property benches in lots of courts ends in inconsistent rulings and procedural delays. To enhance judicial effectiveness, there may be a urgent want for specialised IP courts or benches staffed by way of judges skilled in virtual copyright and technological subjects. Additionally, promoting trade dispute decision (ADR) for virtual copyright instances could help in brief and much less adverse resolution, reaping benefits each rights holders and users.

Technology itself also can be harnessed to enhance copyright protection. Digital watermarking, fingerprinting, and blockchain-primarily based rights control structures can assist in tracking possession, verifying originality, and automating licensing. If carried out at a national level, those technologies could streamline enforcement and facilitate proactive tracking of infringing content material. For example, blockchain can create immutable facts of possession and licensing phrases, which may be referenced globally. However, for such solutions to be powerful in India, institutional help and infrastructure are critical, along side incentives for creators and structures to adopt those equipment.

Another vital vicinity is institutional and administrative potential-building. Bodies along with the Copyright Office and the IPR Promotion and Management Cell (CIPAM) need to be empowered with greater resources, technological tools, and enforcement authority. Collaborations with global organizations like WIPO, INTERPOL, and industry stakeholders can help increase better techniques for tackling move-border piracy and on-line infringement.

Public consciousness is an equally important factor. Many Indian net customers, especially in rural and semi-urban regions, continue to be blind to copyright laws and their implications. Similarly, many content material creators—unbiased artists, musicians, writers, and influencers—lack know-how about how to defend and license their works. National consciousness campaigns, inclusion of highbrow belongings training in college and university curricula, and higher outreach by way of copyright societies can foster a way of life of appreciate for innovative rights.

Finally, coverage-stage improvements are had to modernize the copyright ecosystem. This includes encouraging voluntary licensing models, facilitating collective rights management, and developing incentives for structures to help unique content. A country wide copyright observatory may be hooked up to reveal trends, collect records, and submit reports to inform policy and judicial decisions. Moreover, India can lead the way in framing rules on emerging regions like AI-generated content, digital sampling, and cross-platform content utilization — making sure that the legal device remains in advance of technological trade, in place of reacting to it.

In conclusion, enhancing copyright enforcement in virtual media in India requires an included approach that goes past reactive enforcement. It entails reforming outdated legal guidelines, improving judicial and institutional

capacities, deploying contemporary generation, and raising cognizance among stakeholders. Only a coordinated, forward-searching approach can make sure that the rights of creators are covered with out stifling the innovative freedom and innovation that digital media permits.

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